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STATUTORY INSTRUMENTS

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**2005 No. 894**

**The Hazardous Waste (England and Wales) Regulations 2005**

**PART 6**

MOVEMENT OF HAZARDOUS WASTE

*Rejected consignments*

**Duty of consignee not accepting delivery**

**42.**—(1) This regulation and [<sup>F1</sup>regulation 43] apply where the consignee does not accept delivery of a consignment of hazardous waste, whether wholly or in part.

(2) The requirements of regulation 36(4), <sup>F2</sup>... 39(3) or 40(3) (which relate to the duties of the consignee on acceptance of the consignment) as the case may be, do not apply to the consignee in respect of a consignment, or part thereof, which has been rejected.

(3) If copies of the consignment note relating to a rejected consignment have been given to the consignee he shall—

- (a) [<sup>F3</sup>indicate, in the part headed “consignee’s certificate”] of each copy that he receives that he does not accept the consignment, or part of the consignment, as the case may be, and the reasons why he does not accept the consignment or part;
- (b) retain one copy;
- (c) give one copy to the carrier; and
- (d) as soon as reasonably practicable, send a copy to the consignor, and (if different from the consignor, the producer or holder, where known).

(4) If no copy of the consignment note has been given to the consignee he shall—

- (a) prepare a written explanation of his reasons for not accepting delivery, including such details of the consignment, the hazardous waste producer or holder, the consignor and the carrier as are known to him;
- (b) give such written explanation to the carrier;
- (c) as soon as reasonably practicable, send one copy to the consignor, and (if different from the consignor) the producer or holder, where known; and
- (d) retain a copy of his written explanation.

(5) On being informed that the consignee will not accept delivery of the consignment or part, the carrier shall—

- (a) inform the Agency;
- (b) seek instructions from the hazardous waste producer or holder; and
- (c) take all reasonable steps to ensure those instructions are fulfilled (including completing any consignment note on their behalf).

(6) It is the duty of the hazardous waste producer or holder identified in the relevant part of the consignment note, as the case may be, to—

- (a) make arrangements as soon as reasonably practicable for the transfer of the rejected consignment or part to another specified consignee who holds a waste permit [<sup>F4</sup>or [<sup>F5</sup>carries on an exempt waste operation for] the recovery or disposal of the waste; and]
- (b) forthwith—
  - (i) give instructions to the carrier accordingly; and
  - (ii) inform the Agency of the arrangements and instructions.

(7) If in any case within paragraph (6)(a) no alternative consignee can be found within 5 business days, the hazardous waste producer or holder identified in the relevant part of the consignment note shall make arrangements to return the waste to premises from which it was removed for its storage in accordance with the Waste Directive conditions until a suitable consignee can be found.

[<sup>F6</sup>(8) In this regulation, “exempt waste operation” has the meaning given in regulation 5 of [<sup>F7</sup>the Environmental Permitting Regulations].]

#### Textual Amendments

- F1** Words in reg. 42(1) substituted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 14\(a\)](#) (with [regs. 2, 47\(2\)](#))
- F2** Words in reg. 42(2) omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 14\(b\)](#) (with [regs. 2, 47\(2\)](#))
- F3** Words in reg. 42(3)(a) substituted (6.4.2009) by [The Hazardous Waste \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/507\)](#), [regs. 1\(c\)](#), [13\(a\)](#)
- F4** Words in reg. 42(6)(a) substituted (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), [reg. 1\(1\)\(b\)](#), [Sch. 21 para. 45\(6\)](#) (with [regs. 69-72](#))
- F5** Words in reg. 42(6)(a) substituted (6.4.2009) by [The Hazardous Waste \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/507\)](#), [regs. 1\(c\)](#), [13\(b\)](#)
- F6** Reg. 42(8) inserted (6.4.2009) by [The Hazardous Waste \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/507\)](#), [regs. 1\(c\)](#), [13\(c\)](#)
- F7** Words in reg. 42(8) substituted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), [reg. 1\(1\)](#), [Sch. 26 para. 23\(5\)](#) (with [reg. 1\(2\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, Section 42.