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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1806**

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

**PART 5**

**NOTIFICATION OF PREMISES**

**Requirement to notify premises**

**21.**—(1) Where hazardous waste is produced at, or removed from, any premises other than exempt premises, the premises must be notified to the Agency in accordance with the requirements of this Part.

(2) Premises duly notified to the Agency in accordance with this Part are notified premises for the purposes of these Regulations for the period of twelve months (“the period of notification”) commencing at the effective time and ending at the end of the last day of that twelve month period.

(3) It is the duty of a hazardous waste producer to notify the relevant premises in accordance with regulations 24 and 26 if they have not otherwise already been notified.

(4) Without prejudice to paragraph (3), a consignor may, in the circumstances described in regulation 25, notify the site premises in accordance with that regulation and regulation 26.

**Prohibition on removal of hazardous waste from premises unless notified or exempt**

**22.**—(1) Subject to paragraph (2), no person may remove, or cause to be removed, or transport hazardous waste from any premises unless those premises are, at the time of removal of the waste, notified premises or exempt premises.

(2) Paragraph (1) does not apply to the removal or transport of hazardous waste from any premises if the waste was deposited at those premises in contravention of section 33 of the 1990 Act other than in purported compliance with a waste management licence or registered exemption.

**Exemption from the requirement to notify**

**23.**—(1) Exempt premises need not be notified to the Agency pursuant to this Part.

(2) Premises of a description referred to in paragraph (3) are, to the extent specified in that paragraph, exempt premises for the time being if—

(a) (other than in relation to a ship), the qualifying limitation is observed; and

(b) no hazardous waste is removed from the premises by any person other than—

(i) a registered carrier; or

(ii) a carrier exempt from the requirement to register as a registered carrier pursuant to the Control of Pollution (Amendment) Act 1989(1).

(3) The descriptions of premises are—

- (a) office premises, to the extent that the hazardous waste arises from the use of the premises as an office;
- (b) shop premises, to the extent that the hazardous waste arises from the use of the premises as a shop;
- (c) premises used for agriculture within the meaning of the Agriculture Act 1947(2), to the extent that the hazardous waste arises from the use of the premises for agriculture;
- (d) premises of a description listed in—
  - (i) paragraphs (a) to (e) of section 75(5) of the 1990 Act; or
  - (ii) Schedule 1 to the Controlled Waste Regulations 1992(3),
- (e) premises at which waste electrical and electronic equipment is collected, to the extent that the premises are used for that purpose;
- (f) premises used by a dental, veterinary or medical practice, to the extent that the premises are used for that purpose; and
- (g) any ship.

#### **Notification by producer**

24.—(1) Subject to paragraph (2), a hazardous waste producer must notify to the Agency the site premises or, where he or she operates a mobile service and elects to treat service premises as the relevant premises in relation to any related premises, the service premises—

- (a) before the first occasion on which he or she produces hazardous waste on the site premises, or, in the case of notification of service premises, on any of the related site premises, as the case may require;
- (b) where the relevant premises have previously been notified premises, but the period of notification has expired, before the next occasion on which he or she produces hazardous waste on the site premises or any of the related premises, as the case may require;
- (c) where the premises cease to be exempt premises, before the next occasion on which he or she produces hazardous waste on those premises; or
- (d) where the notified premises cease to be service premises in relation to any related premises on account of the qualifying limitation provided for in regulation 30 being exceeded in relation to those related premises, before those limitations are exceeded.

(2) Where it is not reasonably foreseeable that the producer's activities will produce hazardous waste, paragraph (1) applies as if for "before" on each occasion that it occurs, there were substituted "as soon as reasonably practicable after".

#### **Notification by consignor**

25.—(1) A consignor who proposes to remove, or cause to be removed, any hazardous waste from any premises must notify those premises to the Agency if—

- (a) they are the site premises and the producer is not known or cannot be located without unreasonable inconvenience or expense; or
- (b) the waste was not produced at those premises.

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(2) 1947 c. 48.

(3) S.I.1992/588. Regulation 2 was amended by regulation 24(3) of S.I. 1994/1056; there are other amendments to S.I. 1992/588 not relevant to these Regulations.

### **Common provisions on notifications**

**26.**—(1) This regulation applies whether notification is given by or on behalf of the producer or consignor.

(2) Notification of the relevant premises may be given in writing or by telephone.

(3) Notification may not without the consent of the Agency be given more than one month in advance of the effective time.

(4) The person giving notification must provide to the Agency the following information—

- (a) his or her name and address and details of how he or she can be contacted, and where he or she is giving notification on behalf of another person, the name and address of that person and details of how that person can be contacted;
- (b) the address of the premises being notified;
- (c) the classification of the premises in accordance with the SIC; and
- (d) such other information as the Agency may reasonably require in connection with its functions of monitoring the movement of hazardous waste, or carrying out inspections pursuant to regulation 56 of these Regulations or paragraph 13 of Schedule 4 to the 1994 Regulations.

(5) If there are any changes in the information provided pursuant to paragraph (4) during the period of notification, the premises are not to be treated as notified until the Agency have received the updated information such that the requirements of paragraph (4) are met.

(6) The Agency may prescribe a model format for notifications of premises in writing and, where for the time being a format is prescribed pursuant to this paragraph—

- (a) the Agency must publish the model format on its website and in such other manner as it may consider appropriate for informing persons required to notify premises of its content; and
- (b) the Agency is not obliged to consider any notification unless it is made in that model format, or in a format substantially to like effect.

(7) The person giving notification must pay to the Agency the relevant fee payable in respect of the notification of premises at the same time as giving notification (but no fees are payable in relation to information provided pursuant to paragraph (5)).

(8) The Agency must inform on request a person who is the holder of hazardous waste or who carries on the business of consigning or collecting hazardous waste whether any premises from which that person proposes to remove, cause to be removed or transport any hazardous waste, and if so, the particulars held by the Agency concerning the person who notified the premises and the effective time of notification.

### **Premises code**

**27.**—(1) When notification of relevant premises is duly made to and the relevant fee received by the Agency, it must on receipt thereof issue to the person making the notification a registration code, being a code unique to those premises (a “premises code”).

(2) The premises code may consist of letters, numbers or symbols, or any combination of letters, numbers and symbols.

### **Effective time**

**28.**—(1) Subject to paragraph (2) of this Regulation and without prejudice to regulation 26(3), the time at which notification takes effect (“the effective time”) is—

- (a) where a previous period of notification remains in force, on the expiration of that period;

- (b) where the person giving notification requests a date for commencement, at the beginning of the date so requested;
- (c) in any other case, at the beginning of the fourth business day following the day on which notification is given.

(2) A notification cannot take effect before the time at which the Agency issues the premises code for the period covered by the notification.

### **Mobile services**

**29.**—(1) Where the producer of the hazardous waste operates a mobile service, premises to which paragraph (2) applies (“service premises”) are the relevant premises in relation to any related premises whilst that mobile service is operated within the qualifying limitation and the tenure restriction is observed in relation to each related premises.

- (2) The premises to which this paragraph applies are—
  - (a) the premises from which the mobile service is operated; or
  - (b) where the mobile service is operated from more than one set of premises, the producer’s principal place of business.
- (3) Where any premises are both—
  - (a) site premises apart from the mobile service; and
  - (b) service premises in relation to the mobile service,

a single notification may be made.

### **The qualifying limitation**

- 30.**—(1) The qualifying limitation for—
- (a) a mobile service is that the total quantity of hazardous waste produced in the course of that service at any one set of related premises is less than 200kg in any period of twelve months; and
  - (b) any exempt premises is that the total quantity of hazardous waste produced at the premises is less than 200kg in any period of twelve months.

(2) Hazardous waste produced at shop premises by customers of the occupier are to be treated as being produced by the occupier for the purposes of this Regulation.

### **The tenure restriction**

**31.** The tenure restriction is that the operator of the mobile service neither owns nor occupies those related premises.

### **General interpretation of Part 5**

- 32.** In this Part—
- “the 1963 Act” (“*Deddf 1963*”) means the Offices, Shops and Railway Premises Act 1963(4);
  - “effective time” (“*amser effeithiol*”) has the meaning given by regulation 28;
  - “exempt premises” (“*mangre esempt*”) has the meaning given by regulation 23;
  - “notified premises” (“*mangre a hysbyswyd*”) has the meaning given by regulation 21(2);

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(4) 1963 c. 41.

“office premises” (“*mangre swyddfa*”) has the meaning given by section 1(2)(a) of the 1963 Act;

“period of notification” (“*cyfnod hysbysu*”) has the meaning given by regulation 21(2);

“registered carrier” (“*cludwr cofrestredig*”) means a carrier registered pursuant to the Control of Pollution (Amendment) Act 1989<sup>(5)</sup>;

“related premises” (“*mangre gysylltiedig*”) means the site premises at which a mobile service produces waste for which relevant premises are service premises in accordance with regulation 29;

“relevant premises” (“*mangre berthnasol*”) means the premises which the producer or consignor is required to notify;

“relevant fee” (“*ffi berthnasol*”) means the fee payable in accordance with a scheme made pursuant to section 41 of the 1995 Act;

“service premises” (“*mangre gwasanaeth*”) has the meaning given by regulation 29(1);

“shop premises” (“*mangre siop*”) has the meaning given by section 1(3) of the 1963 Act;

“site premises” (“*mangre safle*”) means the premises at which hazardous waste is produced; and

“waste electrical and electronic equipment” (“*cyfarpar gwastraff trydanol ac electronig*”) has the same meaning as in Directive 2002/96/EC<sup>(6)</sup>.

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(5) 1989 c. 14.

(6) OJNo. L 037, 13.12.2003, p.24.