
WELSH STATUTORY INSTRUMENTS

2005 No. 1806

The Hazardous Waste (Wales) Regulations 2005

PART 7

RECORDS AND RETURNS

Site records

Records of tipped (discharged) hazardous waste

47.—(1) Any person who tips (discharges) hazardous waste (whether by way of disposal or storage) in or on any land must record and identify the waste in accordance with the following requirements of this regulation and regulation 51.

- (2) A record must include either—
- (a) a site plan marked with a grid, or
 - (b) a site plan with overlays on which the deposits of the tipped (discharged) waste are shown in relation to the contours of the site.
- (3) Records made under this regulation are to be kept in a register.
- (4) Deposits must be identified by reference to both—
- (a) the relevant description and six digit code in the List of Wastes, together with a description of the composition of the waste; and
 - (b) the consignment note relating to such waste, save that where waste is disposed of within the curtilage of the premises at which it is produced the deposits must be described by reference to the quarterly return made to the [^{F1}NRBW] by the hazardous waste producer under regulation 53.
- (5) A person who is required to compile or retain a register pursuant to this regulation must—
- (a) update the register as soon as reasonably practicable and in any event within 24 hours of the receipt, or deposit, as the case may be, of the waste;
 - (b) keep the register on the site where the tipping takes place; ^{F2}...
 - (c) [^{F3}subject to paragraph (5A),] retain the records—
 - (i) for three years after deposit of the waste; or
 - (ii) if he or she has a waste permit pursuant to which the site is operated, until that permit is surrendered or revoked.

[^{F4}(5A) If the person required to make or retain a register has a waste permit pursuant to which the site is operated, the period for retention of a consignment note required to be kept by regulation 51(2)

- (a) is—
- (a) for 5 years after the deposit of the waste; or

- (b) if the permit authorises disposal of waste in a landfill, until the permit is surrendered or revoked.

(5B) In paragraph (5A), “landfill” has the meaning given in Article 2(g) of ^[F5]the Landfill Directive] but does not include any operation excluded from the scope of that Directive by Article 3(2) ^[F6]or (3).]

(6) In reckoning any period of hours for the purposes of this regulation or regulation 48, only the days or hours of any business day are to be counted.

Textual Amendments

- F1** Word in reg. 47(4)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 5 para. 30(e)** (with Sch. 7)
- F2** Word in reg. 47(5) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 17(a)**
- F3** Words in reg. 47(5)(c) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 17(b)**
- F4** Reg. 47(5A)(5B) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 17(c)**
- F5** Words in reg. 47(5B) substituted (31.12.2020) by virtue of [The Waste \(Wales\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/414\)](#), regs. 1(2)(b), **8(7)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Words in reg. 47(5B) inserted (19.11.2020) by [The Waste \(Wales\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/1179\)](#), regs. 1(2), **4(6)(b)**

Records of disposal or recovery by other means

48.—(1) Any person who—

- (a) disposes of hazardous waste in or on land (other than any disposal covered by regulation 47);
- (b) recovers hazardous waste in or on land; or
- (c) receives hazardous waste at a transfer station,

must record and identify any hazardous waste received in accordance with the following requirements of this regulation and regulation 51.

(2) The waste must be identified in the record by reference to the relevant description in the List of Wastes and six digit code, and the entry must include a description of the composition of the waste.

(3) The record must include—

- (a) the quantity, nature and origin of any such waste;
- (b) the relevant hazardous properties;

^[F7](c) the disposal or recovery method in respect of the waste by reference to the numbering and description applicable in accordance with ^[F8]Annex I or II of the Waste Directive (as the case may be)]; and]

(d) an inventory showing the specific location at which the waste is being held.

(4) Records made under this regulation must be kept in a register.

(5) The register must be updated as soon as reasonably practicable and in any event no later than 24 hours after—

- (a) a consignment of hazardous waste is received;

- (b) any recovery or disposal operations are carried out or any hazardous waste is placed in storage at the transfer station, as the case may be; or
 - (c) any hazardous waste is removed from the premises.
- (6) A person who is required to make or retain records pursuant to this regulation must—
- (a) keep the register of the records on the site where the recovery operations take place or the transfer station is operated, as the case may be; ^{F9}...
 - (b) [^{F10}subject to paragraph (6A),] retain the records—
 - (i) where the hazardous waste is fully recovered, or remains at a transfer station, as the case may be, until it leaves the site and for three years thereafter; or
 - (ii) if he or she has a waste permit pursuant to which the site is operated, until that permit is surrendered or revoked.
- [^{F11}(6A) If the person required to make or retain a register has a waste permit pursuant to which the site is operated, the period for retention of a consignment note required to be kept by regulation 51(2) (a) is—
- (a) for 5 years after the disposal or recovery of the waste; or
 - (b) if the permit authorises disposal of waste in a landfill (in addition to other treatment), until the permit is surrendered or revoked.
- (6B) In paragraph (6A), “landfill” has the meaning given in Article 2(g) of [^{F12}the Landfill Directive] but does not include any waste excluded from the scope of that Directive by Article 3(2) [^{F13}or (3)].]

Textual Amendments

- F7** Reg. 48(3)(c) substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), reg. 1(1), **14**
- F8** Words in reg. 48(3)(c) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 18(a)**
- F9** Word in reg. 48(6)(a) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 18(b)**
- F10** Words in reg. 48(6)(b) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 18(c)**
- F11** Reg. 48(6A)(6B) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 18(d)**
- F12** Words in reg. 48(6B) substituted (31.12.2020) by virtue of [The Waste \(Wales\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/414\)](#), regs. 1(2)(b), **8(7)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Words in reg. 48(6B) inserted (19.11.2020) by [The Waste \(Wales\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/1179\)](#), reg. 1(2), **4(7)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005, Cross Heading: Site records.