

# Legislation leaflet

Every organisation has a LEGAL responsibility to ensure that their waste is dealt with properly from a legitimate carrier and disposed in a manner not harmful to the environment.

## Environmental Protection Act - Duty of Care 1991

- The Act imposes a duty of care for any business that imports produces, carries, keeps, treats or disposes of controlled waste.
- If you have a business it is your duty to ensure that:
  - All waste is stored and disposed of responsibly.
  - Waste is only handled or dealt with by individuals or businesses that are authorised to do so.
  - A record is kept of all waste received or transferred through a system of signed Waste Transfer Notes (WTN).
- Contact the **Environment Agency** for a list of registered collectors.

## Producer Responsibility Obligation (Packaging Waste) Regulations 2007

- If your business handles more than 50 tonnes of packaging a year you need to comply with the Producer Responsibility Obligation Regulations.
- Packaging waste covers all types of materials used for packaging such as paper, board, plastic and metal.
- You need to register with the **Environment Agency** or a compliance scheme.
- You must provide evidence that you recover and recycle a specified proportion of your waste.
- Fines and charges apply for businesses that do not comply with the regulations.

## Animal By-Product (ABP) Regulations 2005

- Animal by-products arise from catering, retail, wholesale, manufacturing and distribution premises, convenience stores, food markets and bakers premises.
- The ABP main categories are raw fish and meat, and former foodstuff and catering waste.
- The Regulations classify animal by-products into three categories based on their potential risk to animals, the public or to the environment, and sets out how each category of by-products must or may be disposed of.
- Only catering waste (cooking oil and waste from catering facilities and kitchens) may still be disposed of in landfill.
- For all other ABP and options disposal please refer to the **Waste leaflet: Food sector** from **CRISP** or contact **DEFRA**.

## Waste Electrical and Electronic Equipment (WEEE) Regulations 2007

- WEEE includes small and large domestic appliances, PCs, TVs, illuminations, power tools, and medical devices among others.
- If your business deals with WEEE you should provide facilities to your customers for their disposal.
- WEEE should be collected separately from other waste.
- For equipment manufactured after 13 August 2005, distributors are obliged to take it back from customers when they buy new and maintain records of the items collected.
- You can offer a take-back scheme to your customers or register with a distributor take-back scheme, such as **Valpak**.



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### Landfill Tax Regulations 1996

- If your business produces waste you have to pay the appropriate landfill tax.
- Different rates of landfill tax apply depending on the type of waste, the quantity of waste and the proximity of the landfill site. Details on the latest charges can be found in **Business Link**.
- Hazardous and non-hazardous waste should not be mixed.
- From October 2007 all non-hazardous waste must be treated prior to landfill.
- The legal definition of 'treatment', from the **Landfill (England and Wales) Regulations 2002**, requires three things:
  1. It must be a physical, thermal, chemical or biological process (including sorting).
  2. It must change the characteristics of the waste.
  3. It must do so in order to:
    - (a) reduce its volume;
    - (b) reduce its hazardous nature;
    - (c) facilitate its handling; or
    - (d) enhance its recovery.
- Review how your business manages waste and find out how you can properly manage your waste. A possible option for treatment could be separating your waste streams to send them for recycling when you can. Different waste streams for recycling could be paper, cardboard, organic waste, metal or glass. This counts as treatment!
- If your non-hazardous waste is transferred to a third party you should let them know if this waste has been treated or not.

### Hazardous Waste Directive 2005

- Hazardous waste includes lead-acid batteries, fluorescent tubes, PC monitors, fridges, TVs, etc.
- Hazardous waste needs to be stored and collected separately from any other waste.
- If you produce such hazardous waste, register online with the **Environment Agency**. A fee of £18 applies for online registration.  
<https://www.environment-agency.gov.uk/apps/hazwaste/registrationwelcome.jsp>

### Battery and Accumulator Directive 1994

- The Directive seeks to improve the environmental performance of batteries and accumulators, and of the activities of all economic operators involved in their life-cycle including producers, retailers distributors and end-users, in particular, those operators directly involved in the treatment and recycling of waste batteries and accumulators.
- Disposal of batteries in landfill is banned due to hazardous metals (e.g. manganese alkaline, cadmium and mercury) that damage the environment.

### End-of-Life Vehicles Regulations 2003

- These Regulations introduced standards for the dismantling, recycling and disposal of vehicles by authorised treatment facilities (ATFs).
- The legislation aims to reduce the amount of vehicles scrapped every year.
- For additional information refer to the **Waste leaflet: Vehicle repair sector** from **BASE**.



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## Legislation Directory

- **Environmental Protection (Duty of Care) Regulations 1991**  
ISBN 0110158539  
[http://www.opsi.gov.uk/SI/si1991/Uksi\\_19912839\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1991/Uksi_19912839_en_1.htm)
- **Producer Responsibility Obligations (Packaging Waste) Regulations 2007**  
ISBN 10: 0110762797 ISBN 13: 9780110762791  
<http://www.opsi.gov.uk/si/si2007/20070871.htm>
- **Waste Electrical and Electronic Equipment Regulations**  
[http://www.weeedirectory.com/Portals/0/Reports/finalweee\\_directive.pdf](http://www.weeedirectory.com/Portals/0/Reports/finalweee_directive.pdf)
- **Landfill Tax Regulations 1996**  
ISBN 0110358929  
[http://www.opsi.gov.uk/SI/si1996/Uksi\\_19961527\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1996/Uksi_19961527_en_1.htm)
- **Landfill (England and Wales) Regulations 2002**  
ISBN 0110423704  
[http://www.opsi.gov.uk/SI/si1996/Uksi\\_19961527\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1996/Uksi_19961527_en_1.htm)
- **Hazardous Waste (England and Wales) Regulations 2005**  
ISBN 10: 0110726855 ISBN 13: 9780110726854  
<http://www.opsi.gov.uk/si/si2005/20050894.htm>
- **Animal By-Products Regulations 2005**  
ISBN 10: 0110732804 ISBN 13: 9780110732800  
<http://www.opsi.gov.uk/si/si2005/20052347.htm>
- **Batteries and Accumulators (Containing Dangerous Substances) Regulations 1994**  
ISBN 0110432320  
[http://www.opsi.gov.uk/si/si1994/Uksi\\_19940232\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1994/Uksi_19940232_en_1.htm)
- **End-of-Life Vehicles Regulations 2003**  
ISBN 011047841X  
<http://www.opsi.gov.uk/si/si2003/20032635.htm>

## Contacts

- Contact the **BASE team** for a copy of the Sustainable Guide and free one-to-one Environmental Business Advice.
- Call **TSO** on 0870 600 5522 or send an e-mail to: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk) to order a copy of any legislation.
- Refer to **Business Link** for the latest Landfill Tax Charges on 0845 600 9006 or at [www.businesslink.gov.uk](http://www.businesslink.gov.uk)
- Contact **DEFRA** for more information on the Regulations on 0845 933 5577 or at [www.defra.gov.uk](http://www.defra.gov.uk)
- Register with **NetRegs** for free updates on the latest legislation that will affect your business at [www.netregs.gov.uk](http://www.netregs.gov.uk)
- Contact the **Environment Agency** to register on 0870 850 6506 or via [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)



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