

Waste carriers, brokers and dealers

Registration and responsibilities

This document will help you work out if you need to register as a waste carrier, broker or dealer. If you need to register, we tell you how.

It also tells you how to renew your registration or change your registration details and explains your responsibilities as a waste carrier, broker or dealer.

Contents

Why do you need to register?

Who needs to register?

Do you need to register?

Which activities should you register for – carrying, brokering or dealing?

Two ways to register - online or by post

Declare relevant convictions

Renewing your registration

Making changes to your registration

Changing the activities covered by your registration

Legal identity and adding or removing people from a registration

Your responsibilities as a waste carrier, broker or dealer

Using the correct documentation

Appendix: Definitions

Why do you need to register?

Registration is a legal requirement and you are committing an offence if you do not register when required.

Waste carrier, broker or dealer registration helps businesses meet their duty of care to ensure that controlled waste is transported and disposed of legally and safely. This includes transporting waste whilst travelling from job to job, to a storage place for disposal later, or to a waste disposal company or waste site. Controlled waste means commercial, industrial or household waste. For simplicity, we will use the term waste in this document.

Registration also helps us clamp down on fly-tipping by illegal operators who harm human health and the environment whilst also undercutting legitimate businesses.

Who needs to register?

Registration does not just apply to businesses that transport waste produced by other people, for example skip operators or waste disposal companies. Recent changes to regulations mean that anyone who transports waste whilst going about their normal business activities will need to be registered as a waste carrier by January 2014. Many businesses should be registered now.

If you arrange for waste from other businesses or organisations to be transported, disposed of, or recovered, you need to register as a waste broker now.

If you buy and sell waste, or use an agent to do so, you need to register as a waste dealer now. If you are not sure whether you need to register as upper or lower tier the information on pages 2-4 will help you decide.

Do you need to register?

You do not need to register if you fall into one of the categories below:

- You are a householder carrying (transporting) waste produced at home and not as the result of any business activity.
- You only carry waste between different places within the same premises.
- You only carry waste by air or sea from a place in Great Britain (England, Scotland or Wales) to any place outside Great Britain.
- You only carry waste from a country outside Great Britain to the first point of arrival.
- You carry waste for a specified marine operation that either requires a marine licence, or can be carried out under a marine exemption.
- You do not carry waste as part of your business activities. This means any type of activities from which you are making, or trying to make, a profit (including raising money as a charity or voluntary organisation).

If you do not fit into one of the exempt categories, you may need to register now .

Use the flow process below to work out what you need to do.

1. Do you carry out any of these activities below?

Waste carrier activities: You transport waste in the course of carrying out business activities from which you are making, or trying to make, a profit. Transporting waste includes taking it from job to job, to a storage place for disposal later, or taking it to somebody who disposes of it for you. Examples of people who transport waste as part of their business could be carpet fitters carrying old carpets they have removed, plumbers carrying old baths or sinks they have removed, landscape gardeners carrying trees or shrubs, builders carrying rubble and plaster.

Waste broker activities: You arrange for other businesses' waste to be handled, transported, disposed of or recovered. This is regardless of whether or not you handle the waste yourself. This includes letting agencies or shopping centre managers who arrange for the removal of waste from rented accommodation or premises.

Waste dealer activities: You buy waste from other businesses to sell on, or use an agent to do so. Again, this is regardless of whether or not you handle the waste yourself.

Yes, I carry out waste carrier, waste broker or waste dealer activities.

Go to section two

No, I do not carry out waste carrier, waste broker or waste dealer activities.

You do not need to register.

Yes, I carry construction and demolition waste.

You need to register.

Go to section four to check whether you need to register in the upper or lower tier.

No, I never carry construction and demolition waste.

Go to section three.

2. Do you carry waste classed as construction and demolition waste?

Construction and demolition waste means waste from construction or demolition works, including preparatory work, improvement, repair or alteration. It includes any items that had been part of, or had been, an infrastructure. It also includes waste from the exploration or extraction of mineral resources.

Common examples of construction and demolition waste would include baths, sinks, toilets, doors, fences, paths, concrete posts, rubble, walls, brick work, pipe work, wiring, plasterboard, radiators,

sinks, windows. Please note, this is not an exhaustive list. It simply provides some examples of the most common types of construction and demolition waste. See the Definitions section for more information.

3. Do you produce the waste yourself as a result of your business activities?

A waste producer is the person, or organisation, whose activity creates the waste. This is regardless of whether they have been instructed by somebody else or not. So, for example, carpet fitters removing carpets in order to lay new ones, gardeners removing trees or shrubs, are producing waste as a result of their business activity.

If a person creates waste as an employee, their employer is the waste producer. If a person creates the waste as a contractor or sub-contractor, they are the waste producer.

No, I am not the producer of the waste but I transport, buy or sell, or arrange the transportation or disposal of waste produced by others.

You need to register.

Go to section four to check whether you need to register in the upper or lower tier.

Yes, I am the producer of the waste I regularly carry as part of my normal business activity.

You will need to do so in the lower tier from January 2014.

Please note: If you carry construction and demolition waste you need to register regardless of whether you have produced this waste yourself. See section two.

4. Checking which tier you need to register in.

There are two levels of registration – upper tier and lower tier. They are based on organisation type or waste type and not on quantities of waste. You may still be required to register in the upper tier even if you only transport or deal in very small amounts of waste.

Lower tier registration – who does this apply to?

You need to register in the lower tier if any of the following apply to you. You are:

- a charity or voluntary organisation
- a waste collection authority
- a waste disposal authority
- a waste regulation authority
- a carrier who only transport waste produced by themselves(except where it is construction or demolition waste See definitions at the end of this document.)
- a carrier who **only** transports, a broker who **only** arranges for the recovery or disposal of, or a dealer who **only** deals in:
- animal by-products (see Definitions on page 10)
- waste from a mine or quarry

- waste from agricultural premises (see Definitions)

Please note: If you are a lower tier organisation, but you do not 'normally and regularly' carry waste (see Definitions), you do not need to register.

A lower-tier registration is indefinite unless we revoke it or you want to withdraw it. It is free of charge.

Upper tier registration – who does this apply to?

If none of the lower tier criteria above applies, you need to register in the upper tier. The cost is £154 (VAT exempt).

An upper tier registration lasts for three years, unless we revoke it or you want to cancel it early, and it is renewable. Renewal for a further three years costs £105 (VAT exempt).

I don't meet the lower tier criteria.

Register in the upper tier.

I meet the lower tier criteria

Register in the lower tier.

Which activities should you register for – carrying, brokering or dealing?

For greater flexibility, a registration covers two or three activities. You cannot register as just a waste carrier, or as just a waste broker, or as just a waste dealer. When registering, you will be asked to choose from one of the following three options:

- Carrier/dealer registration
- Broker/dealer registration
- Carrier/broker/dealer registration

You should choose the option which best fits with your activities. The descriptions in box one on page three will help you decide.

If you only carry waste and do not broker or deal in waste, then choose the carrier/dealer option.

Still not sure?

If you are still not sure whether you need to register, or the type of registration you need, you can call our customer contact centre for advice. (Contact details are at the end of this document.)

Two ways to register – online or by post

Lower Tier Carriers.

You can Register on line at <http://naturalresourceswales.gov.uk/apply-buy-report/apply-buy-grid/waste/register-as-a-carrier/?lang=enor> or download the application form, complete the form and post it to us at the address given at the end of this document.

If you do not have access to the web site please contact our staff on 0300 065 3000 and our staff will assist you and advise you of your registration number when the process has been completed.

Upper Tier Registration

Currently you can only apply by completing the application form and posting it to us at the address given at the end of this document.

You can download the form from the above web address. Or you can call our customer care centre (details at the end of this document) and we will send you one.

If you register by post, you will need to enclose a cheque or postal order for the upper tier registration fee..

We are currently working on a new on-line system for the upper tier registrations which should be available in the coming months.

Declare relevant convictions

If you are registering in the upper tier you must tell us if you, or any other person in your business, have been convicted of a relevant offence. Offences that are relevant to your registration are shown below. You do not need to tell us about any 'spent convictions' covered by the Rehabilitation of Offenders Act 1974, which applies to individuals.

If during our checks we discover a relevant conviction against you, which you have not told us about in your application, we will have to contact you. This will delay our decision on your application.

Current relevant offences are offences under the following regulations (please note this list will change in 2013):

- Regulation 42 of the Waste (England and Wales) Regulations 2011
- Section 1, 5 or 7(3) of the Control of Pollution (Amendment) Act 1989
- Regulation 38 of the Environmental Permitting Regulations 2007
- Regulation 38 of the Environmental Permitting Regulations 2010
- Section 33 or 34 of the Environmental Protection Act 1990
- Hazardous Waste (England and Wales) Regulations 2005
- Hazardous Waste (Wales) Regulations 2005
- Transfrontier Shipment of Waste Regulations 2007
- Section 110(2) of the Environment Act 1995

You will also be asked to provide a post-conviction plan for each conviction and will need to post this to us either with your printed application form or after completing your online registration.

Renewing your registration

You can renew your existing upper tier registration during the six months prior to its expiry date. The cost to renew is £105.00 (VAT exempt). Your new registration period will begin the day after your current registration expires.

You do not need to renew lower tier registrations.

- You can renew by filling in a form and posting it to us with a cheque or postal order. You cannot pay by card or BACs You can download the form from the same web address mentioned above, or by calling our customer contact centre. Details are at the end of this document.

Making changes to your registration

You must tell us within 28 days of any changes to your registration.

We accept the following types of changes by email or post:

- changing address or phone number
- adding or changing a director of a limited liability company
- adding or changing a partner of a limited liability partnership (LLP)

If you telephone us to discuss a change we will still need you to confirm the change in writing, either by email or by post.

You can email us at enquiries@naturalresourceswales.gov.uk

Our postal address is at the end of this document.

Please remember to quote your registration number in any correspondence so we can easily identify you. This is on your registration letter or email, and starts with CB.

If you are registered in the upper tier and are adding or changing a business partner, director, manager, company secretary or similar, you must tell us if they have been convicted of a relevant offence (see page six).

Changing the activities covered by your registration

If you want to change your activity type, for example if you are registered as a carrier/dealer and you need to become a carrier/broker/dealer. You can do so as follows:

Upper tier: Use the upper tier registration form and tick the relevant box. The cost to make this type of change is £40.00 (VAT exempt).

Lower tier: Simply access the registration system on the web site , you will need to use your password, or write to us within 28 days with details of the change. Remember to quote your registration number in any correspondence.

Please note: you cannot change a lower tier registration into an upper tier registration. If your type of organisation changes to one not eligible for lower tier registration, or you begin to carry, broker or deal in a type of waste which is not eligible for lower tier registration, you will need to apply for upper tier registration.

Legal identity and adding or removing people from a registration

You cannot change the identity of the legal person holding the registration on an existing registration. So, for example, a sole trader selling their business to another person cannot transfer their registration to the buyer.

Also, if you want to add or change a partner within a non-limited partnership (group of individuals), that person is a legal entity in their own right. So, you will need to do this in one of two ways:

- Make an application to add them to an existing registration using the upper tier application form. This amended registration will continue until its original expiry date.

Either way it costs the same (£154.00 (VAT exempt)).

If you want to remove a partner, however, and you are still leaving a minimum of two partners in the registered business, you can email us at enquiries@naturalresourceswales.gov.uk there is no charge for this change.

Your responsibilities as a waste carrier, broker or dealer

Once you have registered as a waste carrier, broker or dealer you have certain responsibilities.

Keeping us updated

You must notify us in writing of changes to your registration details within 28 days of the change.

If you do not, and if it is reasonable to do so, we may remove you from the register until you give us the updated information. During this period you will not be authorised to carry out the activity for which you were registered and could face legal action. Because your details will not appear on the public register you could also lose customers.

Your legal responsibilities for waste

If you produce, import, carry, keep, treat or dispose of waste you have legal responsibilities for this waste. This is called your 'duty of care' for waste.

The duty of care aims to protect the environment and human health by making sure that waste is handled safely and only passed to people authorised to receive it.

There are some simple rules you must follow:

- Check the person you are transferring the waste to is properly authorised to accept it. For example, check they are a permitted site or a registered waste carrier.
- Make sure the waste is safely contained and is not able to escape control.
- Make sure the correct documentation is completed for each transfer of waste and that it correctly describes the waste (see below for information on documentation).

- Minimise the environmental impact of waste by prioritising waste prevention, re-use, recycling and recovery over disposal. This is known as applying the 'waste hierarchy'.

You may be asked to provide evidence of your registration when collecting or transferring waste to someone else. You can do this by presenting your registration certificate or for lower tier carriers your registration number. Your customers and others can check your Upper Tier registration on the Public Register on the Environment Agency website as the Environment Agency are continuing to provide this service to NRW on an interim basis.

. (<http://www.environment-agency.gov.uk/research/library/publicregisters/default.aspx>)

The Lower Tier register is available on the NRW website here:

<http://naturalresourceswales.gov.uk/apply-buy-report/apply-buy-grid/waste/register-as-a-carrier/?lang=en>, for more information about the code of practice on the duty of care, you can visit the Defra website (www.defra.gov.uk).

Using the correct documentation

Each time you transport waste you need to complete the right documentation.

Waste transfer notes for non-hazardous waste

Waste transfer notes record the transfer of non-hazardous waste between different holders. This can be between the producer of the waste and the waste carrier or between the waste carrier and the disposal site or transfer station.

Please note that if you are collecting non-hazardous waste produced at a domestic premises, from the householder, the householder does not need to complete a waste transfer note. However, you will need to complete a waste transfer note when you transfer the non-hazardous waste on to somebody else, for example a waste site.

The purpose of a waste transfer note is to allow other people who handle the waste to know what they are dealing with so that they can manage it safely and properly.

On our website you will find an electronic waste transfer note, or a pdf version you can download and print.

If you are unable to print documents, please call us and we will post the documents to you.

Consignment notes for hazardous waste

As a waste carrier, you need to recognise whether you are transporting or disposing of hazardous waste.

However, you may not be aware that some common, everyday objects are classified as hazardous waste. This is because they contain substances that could harm the environment or human health. So it's especially important that you understand what you are carrying and make sure it goes to a waste site that can deal with it safely.

Some examples of everyday items that are classed as hazardous waste include lead acid batteries, monitors and screens that contain cathode ray tubes and most LCD televisions.

Another thing to be aware of is that the rules and documentation for moving hazardous waste are different.

For more information about consignment notes and hazardous waste, and the rules on moving hazardous waste, visit the hazardous waste section of our website or call our customer contact centre.

Contacting us

Our customer contact centre is open Mon-Fri, 8am-6pm. Call **0300 065 3000**.

Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and count towards any inclusive minutes in the same way as 01 and 02 calls. These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. 10 of 11

Our postal address is

Customer Care Centre
Natural Resources Wales
29, Newport Road
Cambria House
Cardiff
CF24 0TP

Appendix: Definitions

Construction and demolition waste

Construction and demolition waste means waste arising from construction or demolition works, including preparatory work, improvement, repair or alteration. It includes any items that had been part of, or had been, an infrastructure. It also includes waste from the exploration or extraction of mineral resources.

Examples include waste materials arising from:

- The construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance, de-commissioning, demolition or dismantling of a structure. This includes cleaning which involves using water or an abrasive at high pressure or the use of corrosive or toxic substances.
- The preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation, and the clearance or preparation of the site or structure for use or occupation at its conclusion.
- The assembly or disassembly on site of prefabricated elements to form or dismantle a structure.
- The installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services normally fixed within or to a structure.

Animal by-products

Animal by-products are animal carcasses, parts of carcass or products of animal origin that are not intended for human consumption.

Waste from agricultural premises, this means waste produced at agricultural premises as a result of agricultural activity. The definition of agricultural premises is in the Agriculture Act 1947 and means land used for:

Horticulture, growing fruit, growing seed, dairy farming, livestock breeding and keeping, grazing land, meadow land, osier land (growing willow), market gardens and nursery grounds. It also includes woodlands where that use is ancillary to (supports) the use of land for other agricultural purposes. This definition includes all arable farming.

Not all activities where animals are kept are classed as agricultural. So, for example, riding stables, equine centres, kennels, animal parks and ornamental fish producers are not classed as agricultural premises. Because of this waste from these premises would not qualify the applicant to register in the lower tier.

Normally and regularly

You 'normally and regularly' transport waste if it is part of your usual business practice - even if you do it infrequently.

If you use a waste contractor to take away the waste you have produced, and you never transport it yourself, you do not normally and regularly transport waste. If you normally employ a waste contractor but he lets you down and you take it away yourself on that one occasion, you still do not normally and regularly transport waste.



**Cyfoeth
Naturiol**
Cymru
**Natural
Resources**
Wales

If you always carry away your waste and do not use a contractor, then you do normally and regularly transport waste. You will also normally and regularly transport waste if, for example, you use a waste contractor once a month, but also carry away some waste yourself daily or weekly. The normally and regularly rule also applies when you carry other people's waste.