



SPECIAL WASTE REGULATIONS 1996 SPECIAL WASTE ADVISORY NOTE

INTRA GROUP MOVEMENTS

Ref: SWAN/9

Background

The Special Waste Regulations 1996 provide for the movement of special waste where the consignor and consignee are within the same group of companies (Regulation 6(1)(c)). These do not need pre-notifying but consignment notes still need to be raised by the consignor.

Interpretation

The provision above can only apply under the conditions of Regulation 6(2)(c). That is, where a company consigns special waste to a place of storage (pending its disposal or recovery) which the same company operates under a waste management licence or exemption. This **does not** include movement between a company's different waste management sites (e.g. transfer station to landfill).

Examples of 'intra group' movements include the movement of asbestos pipes from road maintenance works by Scottish Water to one of its depots prior to the asbestos being collected for disposal.

The term 'group' is given meaning in Regulation 6(3) and includes any holding company or subsidiary but excludes a Scottish partnership. A company is a 'subsidiary' of another company (i.e. its 'holding company') if for example the other company holds a majority of its' voting rights or as a member is able to appoint or remove its board of directors.

This does not include companies, for instance which may be part of a joint venture or acting as contractors since they will not share the same interest as a 'group'.