

## Waste carriers, brokers and dealers

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?
- 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
- Appendix: Definitions

### Why do you need to register?

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

Controlled waste means commercial, industrial or household waste. For simplicity, we will use the term waste in this document.

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

A waste carrier, broker or dealer registration with the regulator in Wales, England, or Scotland is valid in any of these three GB countries, for example a registration with SEPA in Scotland is valid in both Wales and England as well as Scotland. You should however register with the regulator in which you, or your organisation, are based.

### 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. Anyone who transports waste whilst going about their normal business activities will need to be registered as a waste carrier.

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. If you buy and sell waste, or use an agent to do so, you need to register as a waste dealer.

## Do you need to register?

You do not need to register if you fall into one of the exempt 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 these categories, you will need to register now. Follow the steps below to work out what you need to do.

### 1. Do you carry out any of the following activities?

**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 some common activities who transport waste can be found in the table below. Please note, this is not an exhaustive list.

**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. 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.**

### 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.

*Yes, I carry construction and demolition waste.*

► **You will need to register as an upper tier carrier unless you fall into one of the lower tier categories. Go to section four.**

*No, I never carry construction and demolition waste.*

► **Go to section three.**

### **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 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 register in the lower tier.**

### **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**

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 (unless it is construction or demolition waste which requires an upper tier registration, see Definitions)
- ✓ 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)

If you fit the criteria for 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**

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).

## **Common trades and activities**

The table below includes examples of activities that you might find helpful to illustrate whether you, or another person, needs to be registered as a carrier when carrying controlled wastes. The principles apply even if the trade or activity is not listed below.

| <b>Who</b>  | <b>Activity</b>  | <b>Need to register</b> | <b>Upper or Lower Tier</b> |
|---|--|-------------------------|----------------------------|
| Carpet fitters  | Laying new carpet and carrying away the old carpet or removing off cuts  | Yes                     | Lower                      |
| Electricians and plumbers                             | Carrying construction and demolition (see Definitions) that they have removed i.e. sinks, baths etc  | Yes                     | Upper                      |
| Electricians and plumbers                             | Carrying away off-cuts of pipes etc and i.e. not construction and demolition wastes  | Yes                     | Lower                      |
| Chimney sweeps  | Carrying ashes they have removed from chimneys   | Yes                     | Lower                      |
| Fencing contractors                                   | Carrying fences they have removed  | Yes                     | Upper                      |
| Gardeners, landscapers, tree surgeons                 | Carrying away shrubs and green wastes they have removed  | Yes                     | Lower                      |
| Gardeners, landscapers, tree surgeons                 | Carrying away construction wastes ie walls etc they have removed   | Yes                     | Upper                      |
| House clearance                                       | Carrying away wastes removed from houses   | Yes                     | Upper                      |
| Rag and bone men                                      | Collecting and carrying away wastes from houses/businesses   | Yes                     | Upper                      |
| Householders  | Taking their or other people's waste (without profit) to the Local Authority CA site.  | No                      | N/A                        |
| Nurses and healthcare operatives                      | Carrying waste produced as a result of their care  | Yes                     | Lower                      |
| Nurses and healthcare operatives including pharmacies | Providing a service to carry away wastes produced by patients not as a result of their care activities and not as part of the business or for profit | No                      | N/A                        |
| Mobile mechanic                                       | Removing wastes produced as a result of his activity   | Yes                     | Lower                      |
| Mobile mechanic                                       | Removing waste that was produced by someone else   | Yes                     | Upper                      |
| Police, fire service, ambulances                      | Removing wastes but not as a business or for profit.   | No                      | N/A                        |
| Wheelie bin cleaners                                  | Removing and carrying away wastes from the bin   | Yes                     | Upper                      |
| Wheelie bin cleaners                                  | Only carrying waste waters from the washings produced during cleaning  | Yes                     | Lower                      |
| Lower tier waste carrier organisations                | Carrying construction and demolition wastes  | Yes                     | Lower                      |
| Lower tier registrants by virtue of waste types       | Carrying waste other than agricultural waste, mines and quarries or animal by-products   | Yes                     | Upper                      |
| Anyone carrying samples of a non-waste                | For any reason, including to determine whether it is waste   | No                      | N/A – not waste            |

|   |   |     |       |
|---|---|-----|-------|
| Anyone carrying samples of waste that are produced by someone else or are construction and demolition | For any reason  | Yes | Upper |
| Tyre fitters  | Replacing and carrying away old tyres   | Yes | Lower |
| Any tradesman   | Normally and regularly carrying waste they have produced that is not construction or demolition waste (see Definitions) | Yes | Lower |
| Any tradesman   | Carrying waste they have produced that is not on a normal or regular basis (see Definitions)                            | No  | N/A   |

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

For greater flexibility, a registration may cover several activities. When registering, you will be asked to choose from one or more of carrier, broker, or dealer. Choose the option which best fits with your activities. The descriptions on page two will help you decide, for example if you only carry waste and do not broker or deal in waste, then choose the carrier option.

### Waste brokers and dealers

You need to register as a broker or dealer if you undertake the activities of brokering or dealing, whether or not you physically take possession of the waste at any time.

| Who                                     | Activity   | Need to register | Upper or lower tier | Broker and/or dealer |
|---|--|------------------|---------------------|----------------------|
| Police                                  | Directing waste to be disposed of  | No               | N/A                 | N/A                  |
| Letting Agency/shopping centre managers | Arrange for removal of waste from rented accommodation/premises                    | Yes              | Upper               | Broker               |
| Local Health Board                      | Arrange for disposal of waste from surgeries                                       | Yes              | Upper               | Broker               |
| Waste exchange                          | Provide a forum for people to freely seek and buy or sell wastes                   | No               | N/A                 | N/A                  |
| Waste exchange                          | Taking actions to direct the fate of wastes ie bringing wastes and people together | Yes              | Upper               | Broker               |
| Waste exchange                          | Using an agent to buy wastes and subsequently selling them                         | Yes              | Upper               | Broker & Dealer      |

### Who is covered by your registration?

If you are registered, this enables people employed by you to benefit from your registration but only if they are acting for you during their employment. Contractors, sub-contractors or agents of a registered person are not covered by that person's registration. We can only register a legal entity.

| <b>Registration</b>                     | <b>Who is covered by the registration</b>   |
|---|---|
| Individual                              | The individual and any person employed by that individual as an employee undertaking work for the individual  |
| Company                                 | Anyone employed by the Company as an employee undertaking work for the company  |
| Partnership                             | Any specified partner and anyone employed by the partnership as an employee undertaking work for the partnership.                                     |
| Charity or voluntary organisation       | Anyone employed by the charity or voluntary organisation undertaking work for the charity or voluntary organisation.                                  |
| The Local Authority                     | Any employee of the LA undertaking work on behalf of the LA.  |
| The Secretary of State for a department | Any employee of the department whilst undertaking work on behalf of the department. Note the registration would apply to all parts of the department. |

### **Still not sure?**

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

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### **How to register**

To register, please follow the instructions on our website. If you do not have access, 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.

### **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. These are convictions that may preclude you from being granted a registration. Convictions 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 but not to corporate bodies such as Companies.

If during our checks we discover a relevant conviction against you, which you have not told us about in your application, this will affect whether we grant your registration and we will have to contact you, delaying our decision on your application.

You should also tell us if an existing partner, director, manager, company secretary or similar has been convicted of a relevant offence since the registration was issued.

### **Current relevant convictions are for offences under the following legislation:**

- 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

### **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. The process of renewing is the same as with applying for a new registration (see above).

### **Making changes to your registration**

Changes we can make free of charge:

- Changing correspondence/customer contact e.g. address, phone number, email
- Changing your registered business address
- Adding and removing director details for companies.
- Changing partnership names/details

You can also change your activity type, for example if you are registered as a carrier/dealer and you need to become a carrier/broker/dealer (except changing from lower to upper tier, see below). This is free for lower tier registration and costs £40 for upper tier registrations.

If you telephone us to discuss a change we will still need you to confirm the change in writing, either by email or post. Our postal address can be found at the end of this section or you can contact us by email at [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk). 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 CBDU or CBDL.

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 7).

You cannot change a lower tier registration into an upper tier registration. If your type of organisation changes to one that is 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.

If you want to change the legal entity of your registration, you would have to re-apply under a new registration which would include your change of legal entity details and the fee of a new registration £154.00

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, you will need to do this in one of two ways:

To **add** a partner, 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, the cost is £154.00 (VAT exempt)



To **remove** a partner when you are still leaving a minimum of two partners in the registered business, you can email us to request the change at [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk), there is no charge for this change.

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## **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 when handling waste – Duty of Care**

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' and you must abide by the Code of Practice for waste (available here - <https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>). 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 and they do not breach their authorisation by accepting your waste. For example, check they are a permitted or exempt 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 confirmation of registration documentation or your registration number. Registration numbers starting with CBDL are for Lower Tier and CBDU are for Upper Tier. Your customers and others can check your registration on the Public Register on our website.

Each time you transport waste you need to complete the correct 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 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.



### **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. 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.

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### **Contacting us**

Our customer contact centre is open Monday to Friday, 8am-6pm. Call **0300 065 3000**. You can also contact us via email at [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk).

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  
Ty Cambria  
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.
- 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.