

The Duty of Care

Waste legislation can be complex and difficult to comprehend. Our straight talking, no nonsense guides make it easier to understand how each law affects you. Compliance comes as standard in everything we do, protecting your organisation every step of the way.



1 Overview

The Environmental Protection Act imposes a Duty of Care on anyone who handles waste to ensure that it is managed in such a way as to prevent its escape and does not cause harm to human health or the environment.

2 Are you affected

If you are a waste producer, a waste collector, a site that receives waste a broker or a dealer in waste, you can be prosecuted under this act for failing to manage your waste correctly. Household waste is also covered by this and a householder must ensure they only pass their waste to an approved person.

3 Summary

- Waste must be stored correctly and be within the control of the holder ie it must be properly contained.
- It must only be collected by a registered waste carrier (unless being moved in the waste producer's own vehicles)
- All collections must be covered by a valid Waste Transfer Note - or if hazardous, a Consignment Note - that includes a written description of the waste to enable anyone handling it to do so safely and appropriately.

- Records of all transfers of waste must be held for 2 years. (Consignment Note records must be held for 3 years).
- Waste must only be taken to an authorised facility that has the necessary waste management licensing - ignorance of the disposal site is no defence if waste is found fly tipped.
- Government Guidance provides practical interpretation of Duty of Care requirements.

4 What next

The government is reviewing its Duty of Care Guidance along similar lines to that recently published in Northern Ireland.

5 More information

- Environmental Protection Act 1990
- Defra Duty of Care Guidance
- Northern Ireland Duty of Care Guidance (June 2012)
- Scotland Duty of Care Guidance (October 2013).