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## Mobile Services

A guide to the Hazardous Waste Regulations

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The Environment Agency. Out there, making your environment a better place.

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## 1. Aims of This Guide

You should read this guide if you intend to operate your business as a mobile service under the provisions of the Hazardous Waste Regulations.<sup>1</sup>

The Regulations allow the mobile service to produce small amounts of waste at each customer premises without registering them as a hazardous waste producer. The waste must be consigned when it is removed from the customer's site.

This guide only applies to the operation of mobile services in England and Wales. It is part of a series of documents that explain how the Regulations work.

This guide explains:

- What a mobile service is.
- What restrictions are applied to being able to act as a mobile service.
- Whether a mobile service has to register as a hazardous waste producer.
- Whether a mobile service has to use consignment notes to move hazardous waste they produce.

**The information in this guide is based on what we know at the moment. It may change in the future if there is a change in Law, guidance from the Government changes or as a result of our experience in regulating hazardous waste.**

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<sup>1</sup> The term "Hazardous Waste Regulations" used in this guidance is an abbreviation for both the Hazardous Waste (England and Wales) Regulations 2005 and the Hazardous Waste (Wales) Regulations 2005. These regulations replace the Special Waste Regulations 1996 that were revoked on 16<sup>th</sup> July 2005.

## 2: The Mobile Service

### 2.1: Does your service meet the criteria for a mobile service ?

A mobile service is an operation that meets the following criteria:

It is a service operated from premises (the Regulations call these the 'service premises') which consists of any one or more of the following activities:

The construction, maintenance or repair of any other premises, or of any fixtures, fittings or equipment located on those other premises (the Regulations call these the 'related premises') and

whilst undertaking any of these activities the mobile service operator produces hazardous waste at the related premises.

#### Definitions

**Service premises** – this is the premises from where the mobile service is operated. Where the mobile service is operated from more than one set of premises, the service's principal place of business.

**Related premises** – this is the customer, or **site premises**, where the mobile service carries out the activities identified above and produces the hazardous waste.

**Site premises** – this is where the hazardous waste is produced.

**Relevant premises** means the premises which the producer or consignor of the hazardous waste is required to notify. Where the mobile service provisions apply this would be the 'service premises'.

**IF YOUR SERVICE DOES NOT MEET THESE CRITERIA IT IS NOT A MOBILE SERVICE.**

## 2.2: Do the service premises need to be registered as a hazardous waste producer ?

Yes. The premises from which the mobile service operates must be registered. You cannot operate a mobile service under an exemption from the requirement to notify your premises.

We do not provide a premises notification that is specifically for a mobile service. The **service premises** is notified in the same manner as any other hazardous waste producing premises. If the **service premises** is already registered, then this number should be used. If it is not, then it must be registered.

Where the mobile service is operated from more than one set of premises, the producer's principal place of business may be notified as the **service premises**. This may for example be the company's head office or registered address.

Guidance on Premises Notification is provided by

- Do I need to notify my premises : A guide to the Hazardous Waste Regulations (HWR02A)
- How to register your premises : A guide to the Hazardous Waste Regulations (HWR02B)

## 3: The Related Premises (Customer premises)

### 3.1: What restrictions are there on the related premises and waste produced there by the mobile service?

To be able to operate a mobile service the service you must first ensure that the tenure restriction and qualifying limitation are met for the customer premises.

The '**tenure restriction**' is a term used in the Regulations and relates to the ownership and occupation of each **related premises**. It means that the operator of the mobile service must neither own nor occupy the **related premises** (or any part of these premises) where the service is delivered and the hazardous waste produced.

Where the tenure restriction is not met the mobile service provisions do not apply.

The '**qualifying limitation**' relates to the quantity of waste produced by the mobile service at each **related premises**. The operator of the mobile service must produce less than 500kg of hazardous waste at each **related premises** in any twelve-month period.

Where the qualifying limitation is exceeded the mobile service provisions do not apply.

The qualifying limitation applies to the waste produced by one mobile service at one **related premises**. Hazardous waste produced at the same **related premises**

- by the occupier, or
  - by another mobile service,
- is not considered towards this total.

### **3.2: What if the related premises is already registered as a hazardous waste producer?**

Only one notification is required to be held, so, in this case the waste produced by the mobile service is covered by the registration held by the **related premises**.

### **3.3: What if the related premises are exempt premises?**

In this case, the mobile service operator must ensure that their own **service premises** are registered as described in section 1.2 above. There is no requirement to notify the exempt **related premises**. The waste produced by the mobile service is covered by their own **service premises** notification.

### **3.4: What if the Environment Agency has published a regulatory position statement that includes additional information of the notification of a premises?**

We have produced guidance on whether premises are required to be notified or not:

- Do I need to notify my premises : A guide to the Hazardous Waste Regulations (HWR02A)

We may publish additional guidance, in the form of a regulatory position statement, that explains how aspects of the regulations can be applied in specific circumstances. A mobile service may benefit from this where they operate in a manner consistent with that specified in the position statement.

## **4: Removing the Waste**

### **4.1: Does the mobile service operator need to consign the hazardous waste from the related premises?**

Yes. It is illegal to remove hazardous waste from the premises where it is produced without a consignment note.

There are only three exceptions to this:

- the movement of domestic waste, and separately collected domestic fractions, from domestic premises.
- the movement of asbestos waste from domestic premises by a householder or a person acting on the householder's behalf without reward.
- where we have published a regulatory position statement which indicates that consignment is not required from that specific type of location.

In all other circumstances the waste must be consigned from the customer premises where it is produced to a suitably authorised facility. This facility is a '**consignee**'.

Guidance on consignment and consignee procedures is provided by:-

- the Consignment Notes series of guides to the Hazardous Waste Regulations (HWR03 A to F)
- the Consignee Returns series of guides to the Hazardous Waste Regulations (HWR04 A to D)

#### 4.3: Can the mobile service operator leave the waste at the related premises?

Yes.

However, the occupier/owner must give their consent and understand their obligations on becoming the subsequent holder of the waste.

If the mobile service provider leaves the waste they produce on the **related premises** then they must ensure that the owner/occupier of these premises is provided with details about the hazardous waste. This is required to enable the owner/occupier to fully comply with regulatory principles called 'Duty of Care' when they subsequently arrange for the removal and disposal of that waste.

Consignment notes are not required for the transfer of the hazardous waste from the mobile service operator to the owner/occupier of the **related premises**. This is because the waste has not left the premises.

Where the mobile service operator leaves the hazardous waste on the **related premises** the owner/occupier becomes the holder of the waste.

If they are an exempt producer, the owner/occupier needs to bear in mind that the waste transferred to them by the mobile service counts towards their 500kg qualifying limitation. They may need to notify their premises if this is reached.

#### 5: What do I do if I don't meet these requirements?

Don't worry, this should not prevent you from operating a service.

Where your business provides a service and:

- Does not meet the definition of a mobile service, or
- Produces more waste at a related premises than the qualifying limitation allows, or
- Owns or occupies the related premises

Then you should ensure that the premises where the waste is produced is notified or exempt from notification. If the owner /occupier of the premises does not produce any hazardous waste themselves then, as the waste producer, you are responsible for ensuring that the premises is notified before you produce hazardous waste there.

Guidance on Premises Notification is provided by

- Do I need to notify my premises : A guide to the Hazardous Waste Regulations) (HWR02A)
- How to register your premises : A guide to the Hazardous Waste Regulations (HWR02B)

Guidance on Consignment is provided by

- The Consignment Notes series of guides to the Hazardous Waste Regulations (HWR03 A to F)

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