

## Business Waste – What the Law Says

You must deal responsibly with any waste your business produces. This is known as your 'duty of care'.

Business waste includes any waste that comes from any commercial activity - including any that you run from your home.

### Duty of Care

Anyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed properly. This duty of care is imposed under section 34 of the Environmental Protection Act 1990. It also applies to anyone who acts as a broker and has control of waste. A breach of the duty of care could lead to a penalty of up to £5,000 if convicted in the Magistrates Court or an unlimited fine if convicted in the Crown Court.

### Steps you must take to fulfil the duty of care

If you have waste:

- Ensure that the person who takes control of your waste is licensed to do so
- You must take steps to prevent it from escaping from your control
- Store it safely and securely
- Prevent it from causing environmental pollution or harming anyone
- Describe the waste in writing and prepare a transfer note if you intend to pass the waste on to someone else

If you collect waste from others:

- You must be authorised under the law to collect and receive waste
- Get a description of the collected waste in writing
- Complete and retain a transfer note

### Legislation

Environmental Protection Act 1990

Waste (Household Waste) Duty of Care (England & Wales) Regulations 2005

The Waste (Household Waste Duty of Care) (Wales) Regulations 2006

Clean Neighbourhoods and Environment Act 2005

For more information visit [www.gov.uk/managing-your-waste-an-overview](http://www.gov.uk/managing-your-waste-an-overview)