

# FACTSHEET

## Your Duty of Care: A Guide for Trade Professionals

If you are conducting work in a domestic property, you will typically generate waste as a result of your activities, which will need to be disposed of. However, new legislation says that if you dispose of the waste yourself illegally or use an unregistered waste carrier that subsequently fly-tips your waste, you could be fined anything from £5,000 to £50,000 and face a criminal conviction if the rubbish is traced back to you.

**These Duty of Care obligations are designed to help combat fly-tipping and require any waste that you produce to be handled safely and in accordance with the law.**

Around 90,000 fly-tipping incidents take place in the UK every month, and this costs tax payers £50 million a year to clear up. If you are conducting work on a domestic property, you have a duty to ensure that anyone that you pass your waste on to, such as a waste contractor or skip hire company, is authorised to take it. If you don't, and your waste is fly-tipped, you (as well as the fly-tipper) could be held responsible and face fines of up to £5,000, and be required to pay for the clean up operation.

Furthermore, if you fly-tip the waste yourself and it is traced back to you, you could be fined up to £50,000 and receive a criminal conviction. Should a case reach the crown courts, the fines are unlimited and individuals can face a prison sentence of up to five years.

**If you dispose of your waste illegally, you could face fines of up to £50,000 and a criminal conviction**

The impact of either of these actions will also be detrimental to your parent company who could face fines as well as negative publicity. In addition, your customer (i.e. the householder) would be liable for a fine of up to £5,000 if the waste you dispose of on their behalf is fly-tipped.

Duty of Care applies to anyone who produces, imports, carries, keeps, treats or disposes of controlled waste from business or industry or acts as a waste broker in this respect. In 2005, the Duty of Care Regulations also introduced a new duty on householders to take reasonable measures to ensure that household waste produced on their property is passed on to an authorised person.

Many individuals and businesses have already been found guilty of failing to comply with the new Duty of Care obligations. The hefty fines enforced reflects the fact that fly-tipping is now being taken extremely seriously across the UK. No business or individual is exempt from an unlimited fine should they not take all reasonable measures to keep the waste they create safe.



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# How to Comply with Duty of Care

Your key responsibilities under Duty of Care are to:

- Ensure all waste is stored safely in a suitable container
- Only let your waste be handled or dealt with by individuals or businesses that are authorised to deal with it
- Ask to see your waste carrier's registration documents and make a note of the number or ring the Environment Agency for an Instant Waste Carrier Validation Check
- Describe the waste fully and accurately
- Complete and sign a waste transfer note to record all waste transactions
- Report any offences to the Environment Agency
- Ensure that you are licensed to carry waste and that you only use licensed waste transfer stations if you are disposing of waste on behalf of your customers.

The associated costs of waste disposal continue to rise and although rogue traders or fly-tipping may often offer the cheapest solution to the disposal of waste, the chances are it will be traced back to you or your business and you will incur hefty fines.

**HIPPOWASTE™** is an authorised waste carrier. By using a HIPPOBAG™ and the attached collection service, trade professionals, business and domestic users alike can rest assured that their Duty of Care obligations are met as we collect, transport, dispose and recycle waste with no harm to human health and in an environmentally-respectful way.



## contact us

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