

CONDITIONS FOR HIRE OF BUILDERS SKIPS

In these conditions: 'owner' 'R.Hazell'; 'hirer' means person or company to which accounts are rendered; 'vehicle' means the vehicle which is delivering or collecting the skip which is the subject of the contract; 'driver' means the driver of the vehicle; 'site' means the place where the skip is deposited on the directions of the hirer.

The owner enters into the agreements for hire of skips and disposal of contents upon the following conditions:

1. No agent or employee is permitted to alter or vary these conditions in any way to give consent thereunder unless he is authorised to do so.
2. The owner will use his best endeavours to comply with the hirer's requirements but can accept no responsibility of failure to supply or for any delay in supplying skips which may be caused directly or indirectly by any circumstances beyond the owners control or any unforeseen or abnormal conditions or by any act or neglect on the part of the hirer.
3. The hirer shall save harmless and keep the owner indemnified against any claim, demand or penalty arising out of the period of the skip on the site which could not have been made had the skip not been placed on the site.
4. The hirer shall direct the driver where to deposit or pick up the skip.
5. Where the driver is directed to deposit or pick up the skip on or from a site which is off a highway the owner shall be under no liability whatsoever to the hirer for any damage howsoever caused whilst the vehicle is off the highway other than such as might have caused by negligent driving on the part of the driver. Without prejudice to the generality of Condition 3 the hirer shall subject as above save harmless and keep the owners indemnified against any clear demand which could not have been made had the driver not been so directed. The hirer will compensate the owner for any damage to the vehicle or the skip which would not have been occurred had the driver not been so directed and which is not due to any negligent driving on the part of the driver.
6. The time allowed for depositing or picking up a skip is ten minutes. If the vehicle is kept waiting longer than this after arrival the hirer shall be liable for reasonable demurrage.
7. The hirer shall ensure that all permissions required before the skips can lawfully be deposited on the site including the permission required under Section 139 of the Highways Act 1980 have been or will be obtained before he directs the driver to deposit the skip.
8. The hirer shall not remove the skip from the site without the consent of the owner.
9. a) The hirer undertakes not to knowingly place and Special Wastes as defined by the Special Wastes Regulations 1996 or any amendments or modifications thereto in the skip.
b) If any waste to which said section applies is placed in any skip the hirer shall immediately give the notices required by the said section and send copies of such notices to the owner.
10. The hirer shall ensure from the time that the skip is deposited until it is picked up again by the owner:
 - a) It is properly sited in accordance with the permission given.
 - b) It is properly coned and lighted during hours of darkness.
 - c) No fires are lit in it.
 - d) It is filled no higher than the top of its sites unless the load is clay/soil where 12 yards should be loaded no more than 2/3 full.
 - e) It suffers no damage except fair wear and tear.
11. Notwithstanding the terms of Condition 10 it shall be the owner's responsibility to ensure compliance with any condition imposed by a highway authority relating to the marking of the skip with reflective paint.
12. Except as specifically otherwise agreed in writing the hirer shall fill the skip within the period of hire and shall inform the owner in good time of its readiness for collection or

replacement. Periods in excess of 14 days casual hire, a charge may be made for each week or part thereof. After 14 days the skip will be collected unless prior agreement has been made.

13. The owner will remove or reposition the skip if required at any time to do so by a highway authority or constable in uniform under Section 140 of the Highway Act 1980.
14. Except a specifically otherwise agreed in writing the owner agrees to dispose of the contents of the skip.

ENVIRONMENTAL PROTECTION ACT 1990 DUTY OF CARE ETC. AS RESPECTS WASTE

- 34.1 Subject to subsection (2) below, it shall be the duty of any person who imports, carries, keeps, treats or disposes of controlled waste or, as a broker, has control of such waste, to take all such measures applicable to him in that capacity as are reasonable in the circumstances.
- a) To prevent any contravention by any other person of Section 33.
 - b) To prevent the escape of waste from his control or that of any person, and
 - c) On the transfer of the waste to secure.
 - i. That the transfer is only to an authorised transport purposes, and
 - ii. That there is transferred such a written description of the waste as will enable others persons to avoid a contravention of that section and to comply with the duty under this subsection as respects in the escape of waste.
 2. The duty imposed by subsection (i) above does not apply to an occupier of domestic property as respects the household waste product on the property.
 3. The following are authorised persons for the purpose of subsection (1)(c) above –
 - a) any authority which is a waste collection authority for the purposes of this part.
 - b) any person who is the holder of a waste management licence under Section 35 or a disposal licence under Section 5 of the Controlled Pollution Act 1974.
 - c) any person to whom Section 33(1) above does not apply by virtue of regulations under subsection (3) of that section.
 - d) any person registered as a carrier of controlled waste under Section 2 of the Control of Pollution (Amendment) Act 1989.
 - e) any person who is not required to be so registered by virtue of regulation under Section 1(3) of that Act, and
 - f) a waste disposal authority in Scotland.
 4. The following are authorised transport purposes for the subsection (1)(c) above.
 - a) the transport of controlled waste within the same premises between different places in those premises.
 - b) the transport to a place in Great Britain of controlled waste which has been bought from a country or territory outside Great Britain not having been landed in Great Britain until it arrives at that place and,
 - c) the transport by air or sea of controlled waste from a place outside Great Britain, and 'transport' has the same meaning in this subsection as in the Control of Pollution (Amendment) Act 1989.
 5. The Secretary of State may by regulations, make provision imposing requirements on any person who is subject to the duty imposed by subsection (2) above as respects the making and retention of documents and the furnishing of documents or copies of documents.
 6. Any person who fails to comply with the duty imposed by subsection (1) above or with any requirement imposed under subsection (5) above shall be liable. a) on summary conviction, to a fine not exceeding the statutory maximum, and b) on conviction on indictment, to a fine.

7. The Secretary of State shall after consultation with such persons or bodies as appear to him representative of the interests concerned, prepare and issue a code of practice for the purposes of providing to persons practical guidance on how to discharge the duty imposed on them by subsection (1) above.
8. The Secretary of State may from time to time revise a code of practice issued under subsection (7) above by revoking, amending or adding to the provisions of the code.
9. The code of practice prepared in pursuance of subsection (7) above shall be laid before both Houses of Parliament.
10. A code of practice issued under subsection (7) above shall be admissible by evidence if any provision of such a code appears to the court to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.
11. Different codes of practice may be prepared and issued under subsection (7) above for different areas.