

SCHEDULE 5

REGISTRATION OF BROKERS AND DEALERS

Applications for registration

3.—(1) An application for registration or for the renewal of a registration as a broker of or dealer in controlled waste must be made to the waste regulation authority.

(2) A person may not make an application for registration or for the renewal of a registration whilst—

- (a) a previous application made by that person is pending; or
- (b) that person is registered.

(3) Sub-paragraph (2) does not prevent a person from applying for the renewal of a registration where that person's application is made within the period of six months mentioned in paragraph 7(5).

(4) An application for registration or for the renewal of a registration in respect of a business which is or is to be carried on by a partnership must be made by all of the partners or prospective partners.

(5) A prospective partner in a business carried on by a partnership whose members are already registered may make an application for registration as a partner in that business to the waste regulation authority.

(6) An application for registration or for the renewal of a registration must be made on a form provided for the purpose by the waste regulation authority, and must be accompanied by such information as may reasonably be required by that authority.

(7) An applicant who wishes to apply to be registered or for the renewal of registration both as a carrier and as a broker of or dealer in controlled waste may, instead of making an application on the forms provided for by regulation 4(6) of the Carriers Regulations and by sub-paragraph (6), make a combined application on a form containing the information required by those forms.

(8) The waste regulation authority must provide a copy of the appropriate application form free of charge to any person requesting one.

(9) The applicant must pay the charge prescribed for the purpose by a charging scheme under section 41 of the 1995 Act when making an application.

(10) The waste regulation authority must, on receipt of an application for registration or for the renewal of a registration, ensure that the register contains a copy of the application.

(11) The waste regulation authority may refuse an application for registration or for the renewal of registration if, and only if—

- (a) there has, in relation to that application, been a contravention of any of the requirements of the preceding provisions of this paragraph; or
- (b) the applicant or another relevant person has been convicted of a relevant offence and, in the opinion of the authority, it is undesirable for the applicant to be authorised to arrange for the disposal or recovery of controlled waste on behalf of other persons, or to purchase and sell controlled waste.

(12) Where the waste regulation authority decides to refuse an application for registration or for the renewal of a registration, the authority must give notice to the applicant informing the applicant that the application is refused and of the reasons for its decision.

(13) If an appeal is made under and in accordance with paragraph 6, the waste regulation authority must, as soon as reasonably practicable, make appropriate entries in its register indicating when the appeal was made and the result of the appeal.

(14) If no such appeal is made, the waste regulation authority must, as soon as reasonably practicable, make an appropriate entry in its register indicating that the application has not been accepted and that no appeal has been made.

(15) The waste regulation authority may remove from its register—

(a) a copy of an application included under sub-paragraph (10); or

(b) an entry made under sub-paragraph (13) or (14),

at any time more than six years after the application in question was made.