

SCHEDULE 5

REGISTRATION OF BROKERS AND DEALERS

Duration of registration

7.—(1) A person's registration as a broker of or dealer in controlled waste ceases to have effect on the expiry of the period of three years beginning with the date of the registration or, if it has been renewed, beginning with the date on which it was renewed or, as the case may be, last renewed.

(2) Where—

- (a) a registered carrier of controlled waste is registered as a broker of or dealer in controlled waste otherwise than by way of renewal of an existing registration as a broker or dealer; and
- (b) that person's registration as a carrier will expire within three years of the date of the registration of that person as a broker or dealer,

the registration as a broker or dealer will expire on the same date as the registration as a carrier, if that person so requests at the time of making the application for registration as a broker or dealer.

(3) Where—

- (a) a registered broker of or dealer in controlled waste is registered as a carrier of controlled waste otherwise than by way of renewal of an existing registration as a carrier; and
- (b) that person's registration as a broker or dealer will expire within three years of the date of the registration of that person as a carrier,

the renewed registration as a broker or dealer will expire on the same date as the registration as a carrier, if that person so requests on the next application for renewal of registration as a broker or dealer which that person makes after having been registered as a carrier.

(4) Registration as a registered broker or dealer ceases to have effect if the registered broker or dealer gives notice requiring the removal of the registered broker's or dealer's name from the register.

(5) The waste regulation authority must, no later than six months before the date of expiry of a broker's or dealer's registration, serve on a registered broker or dealer—

- (a) a notice informing that person of the date of expiry and of the effect of sub-paragraph (6); and
- (b) an application form for the renewal of that person's registration and a copy of that person's current entry in the register.

(6) Where an application for the renewal of a registration is made within the last six months prior to its date of expiry, the registration will, notwithstanding the passing of the expiry date, continue in force—

- (a) until the application is withdrawn or accepted; or
- (b) if the waste regulation authority refuses the application or the relevant period from the making of the application has expired without the applicant having been registered, until—
 - (i) the expiry of the period for appealing; or
 - (ii) where the applicant indicates within that period that the applicant does not intend to make or continue with an appeal, the date on which such an indication is given.

(7) Where the waste regulation authority revokes a broker's or dealer's registration, the registration will, notwithstanding the revocation, continue in force until—

- (a) the expiry of the period for appealing against the revocation; or

(b) where that person indicates within that period that that person does not intend to make or continue with an appeal, the date on which such an indication is given.

(8) Where an appeal is made under and in accordance with the provisions of paragraph 6—

(a) by a person whose appeal is in respect of such an application for the renewal of that person's registration as was made, in accordance with paragraph 3, at a time when that person was already registered; or

(b) by a person whose registration has been revoked,

that registration continues in force after its date of expiry or, as the case may be, notwithstanding the revocation, until the appeal is disposed of.

(9) A registration in respect of a business which is carried on by a partnership ceases to have effect if any of the partners ceases to be registered or if any person who is not registered becomes a partner.

(10) The duration of a registration in respect of a business which is carried on by a partnership is not affected if a person ceases to be a partner or if a prospective partner is registered under paragraph 4(7) in relation to the partnership.

(11) Where the waste regulation authority accepts an application for the renewal of a broker's or dealer's registration before the expiry date, the renewal takes effect, for the purposes of this Schedule, from the expiry date.