
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Waste (England and Wales) Regulations 2011

PART 8

Registration of carriers, brokers and dealers

Procedure for registration

- 29.**—(1) This regulation applies to—
- (a) registration of a carrier for the purposes of the Control of Pollution (Amendment) Act 1989; and
 - (b) registration of a broker or dealer for the purposes of regulation 25.
- (2) Registration must be made using the form provided by the Environment Agency.
- (3) All the information required by the form must be provided, together with any fee prescribed in a charging scheme made by the Environment Agency under section 41 of the Environment Act 1995(1).
- (4) The Agency may require additional information to be provided.
- (5) Registration may be refused if, in the opinion of the Agency—
- (a) it is undesirable for the applicant to be authorised to transport controlled waste or to act as a broker or dealer of controlled waste (as the case may be); and
 - (b) the applicant or another relevant person(2) has been convicted of an offence under—
 - (i) regulation 42,
 - (ii) section 1, 5 or 7(3) of the Control of Pollution (Amendment) Act 1989(3),
 - (iii) section 33 or 34 of the Environmental Protection Act 1990(4),
 - (iv) section 110(2) of the Environment Act 1995(5),
 - (v) the Hazardous Waste (England and Wales) Regulations 2005(6),
 - (vi) the Hazardous Waste (Wales) Regulations 2005(7),

(1) 1995 c. 25. Section 41 was amended by S.I. 2005/894, 2005/1806 (W. 138), 2006/937, 2007/1711, 2007/3106.

(2) See section 3(5) of the Control of Pollution (Amendment) Act 1989 (c. 14) for the meaning of the term “another relevant person”.

(3) 1989 c. 14. Section 1 was amended by the Environmental Protection Act 1990 (c. 43), section 162 and paragraph 31 of Schedule 15 and by the Clean Neighbourhoods and Environment Act 2006 (c. 16), sections 35 and 107 and Part 4 of Schedule 5. Section 5 was amended by the Clean Neighbourhoods and Environment Act 2006, section 37. Section 7(3) was amended by the Environmental Protection Act 1990, section 162 and paragraph 31 of Schedule 15 and by the Environment Act 1995 (c. 25), section 112 and paragraph 3 of Schedule 19.

(4) 1990, c. 43. Section 33 has been amended by S.I. 2005/894, 2006/937, 2007/3538, 2009/1799 and 2010/675 and by the Environment Act 1995 (c. 25) and the Clean Neighbourhoods and Environment Act 2005 (c. 16). Section 34 has been amended by the Deregulation and Contracting Out Act 1994 (c. 40) and by S.I. 1999/1820, 2000/1973, 2005/2900, 2006/123 and 2007/3538. Section 34B was inserted by the Clean Neighbourhoods and Enforcement Act 2005 (c. 16) and amended by S.I. 2007/3538.

(5) 1995 c. 25.

(6) S.I. 2005/894 amended by S.I. 2006/937, 2007/3476, 2007/3538, 2009/507, 2010/675, 2010/1159 and by these Regulations.

(7) S.I. 2005/1806 (W. 138) amended by S.I. 2006/937, 2007/3538, 2009/2861 and 2010/675.

- (vii) the Transfrontier Shipment of Waste Regulations 2007⁽⁸⁾,
 - (viii) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007⁽⁹⁾, or
 - (ix) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010⁽¹⁰⁾.
- (6) On registration the Agency must provide a certificate of registration to the applicant.
- (7) If registration is refused the Agency must notify the applicant and give written reasons for the refusal.

⁽⁸⁾ S.I. 2007/1711 amended by S.I. 2010/265. There are other amendments but none is relevant.

⁽⁹⁾ S.I. 2007/3538, amended by S.I. 2010/675 (which revoked regulation 38). There are other amendments but none is relevant.

⁽¹⁰⁾ S.I. 2010/675, to which there are amendments not relevant to these Regulations.