



# Control of Pollution (Amendment) Act 1989

## 1989 CHAPTER 14

### 2 Registration of carriers. **E+W+S**

- (1) Subject to section 3 below, the Secretary of State may by regulations make provision for the registration of persons with [<sup>F1</sup>disposal authorities][<sup>F1</sup>regulation authorities] as carriers of controlled waste and, for that purpose, for the establishment and maintenance by such authorities, in accordance with the regulations, of such registers as may be prescribed.
- (2) Regulations under this section may—
- (a) make provision with respect to applications for registration;
  - (b) impose requirements with respect to the manner in which [<sup>F1</sup>disposal authorities][<sup>F1</sup>regulation authorities] maintain registers of carriers of controlled waste;
  - (c) provide for the issue of a certificate of registration [<sup>F2</sup>free of charge] to a registered carrier of controlled waste both on his registration and on the making of any alteration of any entry relating to him in a register of such carriers;
  - (d) [<sup>F3</sup>provide for such a certificate to be in such form and to contain such information as may be prescribed;]
  - (e) provide that the provision by a [<sup>F1</sup>disposal authority][<sup>F1</sup>regulation authority] to a registered carrier of such copies of a certificate of registration as are provided in addition to the certificate provided [<sup>F4</sup>free of charge] in pursuance of provision made by virtue of paragraph (c) above is to be made subject to the payment of a charge imposed under the regulations.
- (3) Provision contained in any regulations under this section by virtue of subsection (2) (a) above may, in particular, include provision which—
- (a) prescribes the manner of determining the [<sup>F1</sup>disposal authority][<sup>F1</sup>regulation authority] to which an application is to be made;
  - (b) [<sup>F5</sup>prescribes the form on which and other manner in which an application is to be made;]

*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 2. (See end of Document for details)*

- (c) prescribes the period within which an application for the renewal of any registration which is due to expire is to be made;
- (d) imposes requirements with respect to the information which is to be provided by an applicant to the authority to which his application is made;
- <sup>F6</sup>(e) .....

<sup>F7</sup>(3A) Without prejudice to the generality of [<sup>F8</sup>paragraphs (b) and (d)][<sup>F8</sup> paragraph (d) ] of subsection (3) above—

- (a) [<sup>F9</sup>the power to prescribe a form under paragraph (b) of that subsection includes power to require an application to be made on any form of any description supplied for the purpose by the regulation authority to which the application is to be made; and]
- (b) the power to impose requirements with respect to information under paragraph (d) of that subsection includes power to make provision requiring an application to be accompanied by such information as may reasonably be required by the regulation authority to which it is to be made.]

(4) Provision contained in any regulations under this section by virtue of subsection (2) (b) above may, in particular, include provision—

- (a) specifying or describing the information to be incorporated in any register maintained by a [<sup>F1</sup>disposal authority][<sup>F1</sup>regulation authority] in pursuance of any such regulations;
- (b) requiring a registered carrier of controlled waste to notify a [<sup>F1</sup>disposal authority][<sup>F1</sup>regulation authority] which maintains such a register of any change of circumstances affecting information contained in the entry relating to that carrier in that register;
- (c) requiring a [<sup>F1</sup>disposal authority][<sup>F1</sup>regulation authority], to such extent and in such manner as may be prescribed, to make the contents of any such register available for public inspection free of charge; and
- (d) requiring such an authority, on payment of such charges as may be imposed under the regulations, to provide such copies of the contents of any such register to any person applying for a copy as may be prescribed.

<sup>F10</sup>(4A) Regulations under this section may include provision for—

- (a) the registration of a person as a carrier of controlled waste to be subject to conditions relating to the vehicles used by him in transporting such waste; or
- (b) the revocation by a regulation authority of the registration of a carrier of controlled waste who has breached a condition imposed on him under paragraph (a) above.]

<sup>F10</sup>(4B) Provision contained in any regulations under this section by virtue of subsection (4A) above may, in particular, include provision—

- (a) for inspection by a regulation authority of the vehicles of registered carriers of controlled waste for the purpose of ensuring compliance with conditions imposed under subsection (4A)(a) above;
- (b) for a regulation authority to impose charges on registered carriers of controlled waste in respect of such inspections.]

(5) Subsections (2) [<sup>F11</sup>to (4)][<sup>F11</sup> to (4B) ] above are without prejudice to the generality of subsection (1) above.

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### Textual Amendments

- F1** Words in s. 2(1), (2)(b)(e), (3)(a)(e), (4)(a)(b)(c) substituted (31.5.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 31\(2\)](#), S.I. 1991/1319, art. 2
- F2** Words in s. 2(2)(c) repealed (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 36(2)(a), 108(4), [Sch. 5 Pt. 4](#)
- F3** S. 2(2)(d) repealed (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 36(2)(b), 108(4), [Sch. 5 Pt. 4](#)
- F4** Words in s. 2(2)(e) repealed (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 36(2)(c), 108(4), [Sch. 5 Pt. 4](#)
- F5** S. 2(3)(b) repealed (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 36(3), 108(4), [Sch. 5 Pt. 4](#)
- F6** S. 2(3)(e) repealed (1.4.1998) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 37(2)(a), [Sch. 24](#) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1998/604, [art. 2](#)
- F7** S. 2(3A) added (1.2.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 37\(2\)\(b\)](#) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/186, [art. 2](#)
- F8** Words in s. 2(3A) substituted (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 36\(4\)\(a\)](#), 108(4)
- F9** S. 2(3A)(a) repealed (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 36(4)(b), 108(4), [Sch. 5 Pt. 4](#)
- F10** S. 2(4A)(4B) inserted (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 36\(5\)](#), 108(4)
- F11** Words in s. 2(5) substituted (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 36\(6\)](#), 108(4)

### Commencement Information

- I1** S. 2 wholly in force at 16.07.1991 see s. 11(2) and S.I. 1991/1618, [art. 2\(a\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 2.