

## SCHEDULE 5

### REGISTRATION OF BROKERS OF CONTROLLED WASTE

#### PART I

#### GENERAL

##### **Duration of registration**

7.—(1) Subject to the following provisions of this paragraph, a person's registration as a broker of controlled waste shall cease 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 registered carrier of controlled waste is registered as a broker of controlled waste otherwise than by way of renewal of an existing registration as a broker, and his registration as a carrier will expire within three years of the date of his registration as a broker, if at the time of making his application for registration as a broker he so requests, his registration as a broker shall expire on the same date as his registration as a carrier.

(3) Where a registered broker of controlled waste is registered as a carrier of controlled waste otherwise than by way of renewal of an existing registration as a carrier, and his registration as a broker will expire within three years of the date of his registration as a carrier, if on the next application for renewal of his registration as a broker which he makes after having been registered as a carrier he so requests, his renewed registration as a broker shall expire on the same date as his registration as a carrier.

(4) Registration as a registered broker shall cease to have effect if the registered broker gives notice requiring the removal of his name from the register.

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

- (a) a notice informing him of the date of expiry and of the effect of sub-paragraph (6) below; and
- (b) an application form for the renewal of his registration and a copy of his 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 shall, 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- (a) until the application is withdrawn or accepted; or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 refuse 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 he does not intend to make or continue with an appeal, the date on which such an indication is given.

(7) Where a waste regulation authority revokes a broker's registration, the registration shall, 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 he does not intend to make or continue with an appeal, the date on which such an indication is given.

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- (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 his registration as was made, in accordance with paragraph 3, at a time when he was already registered; or
  - (b) by a person whose registration has been revoked,

that registration shall continue 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 shall cease 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 shall not be 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 a waste regulation authority accepts an application for the renewal of a broker's registration before the expiry date, the renewal shall for the purposes of this Schedule take effect from the expiry date.