

SCHEDULE 2

Waste Management Licensing Regulations 1994

- 10.**—(1) The Waste Management Licensing Regulations 1994⁽¹⁾ shall be amended as follows.
- (2) In regulation 8 (reports of hearings) for the words “section 43(2)(b) of that Act” there shall be substituted the words “section 114(1)(a) of the Environment Act 1995”.
- (3) In regulation 10 (particulars to be entered in public registers)—
- (a) at the end of paragraph (1)(m) there shall be added the words “or written reports under section 109(2) of the Environment Act 1995 by persons authorised by the authority under section 108(1) or (2) of that Act where the articles or substances seized and rendered harmless are waste”;
- (b) at the end of paragraph (2)(a) there shall be added—
- “(aa) where a person authorised by the authority exercises any power under section 108(4) of the Environment Act 1995 in connection with the authority’s functions under Part II of the Environmental Protection Act 1990, a record showing when the power was exercised and indicating what information was obtained, and what action was taken, on that occasion;”
- (c) in paragraph (3)—
- (i) after the word “England” there shall be inserted the words “or Wales”; and
- (ii) the words “which is not a waste regulation authority” shall be omitted.
- (4) In regulation 18(8) (registration in connection with exempt activities) the words “at its principal office” shall be omitted.
- (5) In Part I of Schedule 4 (Waste Framework Directive etc.)—
- (a) in the definition of “plan-making provisions” in paragraph 1 (interpretation)—
- (i) the word “and” where it first occurs shall be omitted; and
- (ii) at the end there shall be added the words “and section 44A of the Environmental Protection Act 1990 or, in Scotland, section 44B of that Act”⁽²⁾;
- (b) in Table 5 in paragraph 3(1) (meaning of competent authority etc.)—
- (i) in the second entry in column (1) for the words “sections 43(2)(b) of the 1990 Act” there shall be substituted the words “section 114(1)(a) of the Environment Act 1995”;
- (ii) at the end of the second entry in column (2) there shall be added the words “and preparing the strategy, or any modification of it, under section 44A or 44B of that Act”;
- (iii) in the fifth entry in column (1) for the words “section 15(3)(b) of the 1990 Act” there shall be substituted the words “section 114(1)(a) of the Environment Act 1995”;
- (c) in paragraph 12(9) (registration by professional collectors and transporters of waste, and by dealers and brokers) the words “at its principal office” shall be omitted;
- (d) in paragraph 13 (duty to carry out appropriate periodic inspections)—
- (i) in sub-paragraph (2) for the words “Sections 68(3) to (5), 69 and” there shall be substituted the word “Section” and the words “power to appoint inspectors, powers of entry and” shall be omitted;
- (ii) at the end of sub-paragraph (2) there shall be added—

(1) S.I.1994/1056.

(2) Sections 44A and 44B were inserted by section 92(1) of the Environment Act 1995.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(2A) Section 108 of the Environment Act 1995 (powers of entry) shall apply as if the competent authority was an enforcing authority and its functions under this paragraph were pollution control functions.”

(6) In Part I of Schedule 5 (registration of brokers of controlled waste)—

(a) in paragraph 2(1)(a) (registers) the words “at its principal office” shall be omitted;

(b) at the end of paragraph 6 (appeals) there shall be added—

“(13) This paragraph is subject to 114 of the Environment Act 1995 (delegation or reference of appeals).”