

---

STATUTORY INSTRUMENTS

---

**2009 No. 890**

**ENVIRONMENTAL PROTECTION**

**The Waste Batteries and Accumulators Regulations 2009**

*Made - - - - 7th April 2009*  
*Laid before Parliament 14th April 2009*  
*Coming into force in accordance with*  
*regulation 1(2)*

**THE WASTE BATTERIES AND  
ACCUMULATORS REGULATIONS 2009**

PART 1

GENERAL

1. Citation, commencement and extent
2. Interpretation
3. Meaning of appropriate authority
4. Service of documents
5. Signature of documents: meaning of appropriate person
6. Application

PART 2

PRODUCER OBLIGATIONS: PORTABLE BATTERIES

7. Financing: portable batteries
8. Calculation of a producer's share
9. Duty to be a member of a battery compliance scheme
10. Effect of membership of a battery compliance scheme
11. Information provided to operators of battery compliance schemes
12. Record keeping
13. Reporting: portable batteries placed on the market by a small producer
14. Charges in relation to small producers
15. Duty to join another scheme on withdrawal of approval
16. Treatment, recycling, record keeping and reporting after withdrawal of scheme approval
17. Duty of the appropriate authority to determine and notify producer's share
18. Declaration of compliance by producer

*Status: Point in time view as at 05/05/2009.*

*Changes to legislation: There are currently no known outstanding effects for the The Waste Batteries and Accumulators Regulations 2009. (See end of Document for details)*

### PART 3

#### OBLIGATIONS OF BATTERY COMPLIANCE SCHEMES AND REGISTRATION OF PRODUCERS OF PORTABLE BATTERIES

19. Financing: portable batteries
20. Duty of the appropriate authority to determine and notify scheme operator's aggregate share of costs
21. Treatment and recycling
22. Record keeping
23. Reporting: batteries placed on the market by scheme members
24. Reporting: waste batteries
25. Declaration of compliance by battery compliance scheme
26. Registration of producers of portable batteries
27. Form of an application to register scheme members or a small producer
28. Duties of the appropriate authority in relation to applications to register producers of portable batteries
29. Notification of changes to registration details
30. Declaration of battery producer registration number

### PART 4

#### PORTABLE BATTERIES: OBLIGATIONS AND RIGHTS OF DISTRIBUTORS AND OTHER ECONOMIC OPERATORS

31. Take back
32. Distributor's right to request collection of waste batteries
33. Right of economic operators to participate in collection, treatment and recycling schemes
34. Prohibition on showing the costs of collection, treatment and recycling of portable batteries

### PART 5

#### PRODUCER OBLIGATIONS: INDUSTRIAL AND AUTOMOTIVE BATTERIES

35. Take back: industrial batteries
36. Collection: automotive batteries
37. Alternative financing agreements
38. Treatment and recycling
39. Record keeping
40. Reporting: industrial and automotive batteries placed on the market
41. Reporting: waste batteries
42. Registration of producers: industrial batteries or automotive batteries
43. Application to register
44. Notification of changes to registration details
45. Duties of the Secretary of State in relation to registration of producers
46. Declaration of battery producer registration number

### PART 6

#### APPROVAL OF BATTERY COMPLIANCE SCHEMES

47. Application for approval of a proposed battery compliance scheme
48. Further information in respect of an application
49. Approval of proposed schemes

50. Notification of determination
51. Effect and consequences of approval
52. Conditions of approval
53. Annual confirmation of approval of a battery compliance scheme
54. Withdrawal of approval of a battery compliance scheme
55. Charges

#### PART 7

### DISPOSAL, TREATMENT AND RECYCLING

56. Prohibition on disposing of waste automotive and industrial batteries in a landfill or by incineration
57. Requirement for approval of battery treatment operators and exporters
58. Application for approval
59. Decision in relation to application
60. Notification of decision
61. Effect and consequences of a grant of approval
62. Application for extension of approval of an exporter to an additional site
63. Conditions of approval
64. Suspension and cancellation of approval
65. Charges
66. Reporting
67. Record keeping

#### PART 8

### POWERS AND DUTIES OF THE SECRETARY OF STATE

68. Information for end-users of batteries
69. Batteries evidence notes
70. Overarching objective: maximising collection of portable batteries
71. Increased environmental performance
72. New recycling technologies
73. Information for appropriate authorities in relation to producers of industrial or automotive batteries
74. Reports and information provided by producers of industrial and automotive batteries
75. Monitoring

#### PART 9

### DUTIES OF THE APPROPRIATE AUTHORITIES

76. Registration of producers
77. Information for appropriate authorities and the Secretary of State in relation to producers of portable batteries
78. Monitoring
79. General duties in relation to battery compliance schemes
80. General duties in relation to approved battery treatment operators and approved exporters
81. Information: portable batteries

**Status:** Point in time view as at 05/05/2009.

**Changes to legislation:** There are currently no known outstanding effects for the The Waste Batteries and Accumulators Regulations 2009. (See end of Document for details)

PART 10

DISCLOSURE OF INFORMATION

82. Disclosure of information

PART 11

APPEALS

83. Right of appeal  
84. Procedure of appeals  
85. Determination of appeals

PART 12

ENFORCEMENT

86. Enforcement authorities  
87. Enforcement notices  
88. Powers of entry and inspection

PART 13

OFFENCES AND PENALTIES

89. Offences  
90. Penalties  
91. Commencement of proceedings

PART 14

AMENDMENTS TO OTHER ENACTMENTS

92. Amendments to other enactments  
Signature

---

SCHEDULE 1 —

PART 1 — Information and declaration to be included in a declaration of compliance by a producer

1. The name and address of the producer.
2. The name and title of the signatory of the declaration....
3. The date of the declaration.
4. The compliance period to which the declaration relates.
5. In relation to the waste portable batteries in respect of...

PART 2 — Information and declaration to be included in a declaration of compliance by a scheme operator

6. The name and address of the scheme operator.
7. The name and title of the signatory of the declaration....
8. The date of the declaration.
9. The compliance period to which the declaration relates.
10. In relation to the waste portable batteries in respect of...

SCHEDULE 2 — Information to be included in an application for registration of producers

1. The date of the application for registration.
2. The name of the producer and any brand name under...
3. The following contact details for the producer—
4. An address for service of notices on the producer if...
5. The name and telephone number of a contact person for...
6. An indication of which categories of battery the producer is...
7. Information as to— (a) whether the producer is meeting or...
8. If the producer has been registered under these Regulations within...
9. A signed declaration of the truth of the information provided...

### SCHEDULE 3 — Approval of proposed schemes

#### PART 1 — Information to be included in an application for approval

1. The name of the proposed scheme.
2. The name of the operator of the proposed scheme.
3. The address and telephone number of— (a) the registered office...
4. Where the operator of the proposed scheme is a partnership...
5. An address for service of notices if different from that...
6. Confirmation that the rules of the proposed scheme provide—
7. (1) A statement as to whether or not the operator...
8. Confirmation that the rules of the proposed scheme provide—
9. The operational plan must include the following information in relation...
10. In paragraph 9(d)(iii), “the scheme information campaign” means a campaign...
11. PART 2 — Information to be included in the operational plan
12. PART 3 — Criteria for approval of a proposed scheme
13. That the rules of the proposed scheme provide—
14. That the proposed scheme has the necessary resources and systems...
15. That the operator of the proposed scheme is likely to...
16. That the proposed scheme is likely to—
17. That the operator of a proposed scheme—

### SCHEDULE 4 — Approval of battery treatment operators and exporters

#### PART 1 — Information to be included in an application for approval

1. The name of the battery treatment operator or exporter.
2. The registered office address and telephone number of the battery...
3. Where the battery treatment operator or exporter is a partnership...
4. Where the battery treatment operator or exporter is a body...
5. An address for service of notices if different from that...
6. The year for which approval is applied for.
7. In the case of an application made by a battery...
8. In the case of an application made by an exporter—...
9. Confirmation of whether or not the battery treatment operator or...
10. PART 2 — General conditions of approval
11. (1) An approved battery treatment operator must ensure that the...
12. An approved battery treatment operator or approved battery exporter must...
13. (1) An approved battery treatment operator must hold a relevant...
14. PART 3 — Conditions of approval relating to portable batteries: approved battery treatment operators
15. An approved battery treatment operator must not issue a batteries...
16. An approved battery treatment operator must record a quantity of...
17. An approved battery treatment operator must retain a duplicate copy...
18. An approved battery treatment operator must not issue a batteries...
19. An approved battery treatment operator must not issue a batteries...

*Status: Point in time view as at 05/05/2009.*

*Changes to legislation: There are currently no known outstanding effects for the The Waste Batteries and Accumulators Regulations 2009. (See end of Document for details)*

18. An approved battery treatment operator must issue batteries evidence notes...
19. An approved battery treatment operator must issue a batteries evidence...
20. An approved battery treatment operator must not issue a batteries...
21. An approved battery treatment operator must not arrange for the...  
PART 4 — Conditions of approval relating to portable batteries: approved battery exporters
22. An approved batteries exporter must not issue a batteries evidence...
23. An approved batteries exporter must record a quantity of waste...
24. An approved batteries exporter must retain a duplicate copy of...
25. An approved batteries exporter must not issue a batteries evidence...
26. An approved batteries exporter must issue batteries evidence notes only...
27. An approved batteries exporter must issue a batteries evidence note...
28. An approved batteries exporter must not issue a batteries evidence...

#### SCHEDULE 5 — Crossed out wheeled bin symbol

#### SCHEDULE 6 — Register of producers

1. The name of the producer and any brand name under...
2. The following contact details for the producer—
3. An address for service of notices on the producer if...
4. An indication of the categories of battery placed on the...
5. Information as to— (a) whether the producer meets its responsibilities...
6. The producer's battery producer registration number.
7. The date of the application for registration.

#### SCHEDULE 7 — Appeals

##### PART 1 — Procedure of appeals (other than those to the Planning Appeals Commission)

1. (1) Where a person wishes to appeal to an appeal...
2. (1) Subject to sub-paragraph (2), notice of appeal must be...
3. Where under regulation 84(2) the appeal includes a hearing, the...
4. (1) The appeal body or other person determining an appeal...  
PART 2 — Appeals to the Planning Appeals Commission
5. A person who wishes to appeal to the Planning Appeals...
6. An appellant may withdraw an appeal by notifying the appeals...
7. Notice of appeal in accordance with paragraph 5 is to...
8. The appeals commission shall determine the appeal and paragraphs (1),...
9. The appeals commission shall determine the process for determining appeals...

#### SCHEDULE 8 — Amendments to other enactments

1. Amendment to the Environment Act 1995
2. Amendments to the Environmental Permitting (England and Wales) Regulations 2007

Explanatory Note

**Status:**

Point in time view as at 05/05/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the The Waste Batteries and Accumulators Regulations 2009.