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STATUTORY INSTRUMENTS

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**2009 No. 890**

**The Waste Batteries and Accumulators Regulations 2009**

**PART 3**

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

**Duty of the appropriate authority to determine and notify scheme operator's aggregate share of costs**

- 20.**—(1) This regulation applies in respect of each battery compliance scheme.
- (2) The appropriate authority must—
- (a) determine the aggregate share for which each scheme operator is responsible, being the sum of the shares of all scheme members calculated in accordance with regulation 8;
  - (b) notify each scheme operator of that share on or before 31st March in the year following the relevant compliance period.
- (3) In making its determination, the appropriate authority must—
- (a) take account of any information provided to it under regulation 23; and
  - (b) make a reasonable estimate of—
    - (i) the quantity in tonnes of portable batteries placed on the market in the United Kingdom by scheme members during 2009 but before the coming into force of these Regulations; and
    - (ii) any information which should have been provided under that regulation but was not.
- (4) A notification must include the following information—
- (a) the compliance period to which it relates;
  - (b) the aggregate share determined by the authority;
  - (c) details of how that share has been determined in accordance with the method set out in regulation 8 and paragraph (2)(a) of this regulation, including details of any information which was estimated;
  - (d) a statement that the scheme operator may make representations in writing to the appropriate authority in respect of the determination within 14 days of the notification.
- (5) The appropriate authority must—
- (a) consider any representation made under paragraph (4)(d);
  - (b) confirm or amend the aggregate share determined by it;
  - (c) notify its decision and the reasons for it in writing to the scheme operator within 14 days of receiving the representations.