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STATUTORY INSTRUMENTS

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**2009 No. 890**

**The Waste Batteries and Accumulators Regulations 2009**

**PART 6**

**APPROVAL OF BATTERY COMPLIANCE SCHEMES**

**Conditions of approval**

- 52.**—(1) Approval of a battery compliance scheme is subject to the following conditions.
- (2) The scheme operator must—
- (a) comply with its obligations under Part 3;
  - (b) carry out the scheme's operational plan;
  - (c) comply with its obligations under regulations [32\(2\)](#) and [33\(2\)](#);
  - (d) provide any information in relation to its obligations under Part 3 reasonably requested by the appropriate authority;
  - (e) inform the appropriate authority in writing of—
    - (i) any change in the person who is the scheme operator and, in the case where the scheme operator is a partnership or limited liability partnership, any change of partners;
    - (ii) any material change in—
      - (aa) the information provided under regulation [47\(5\)\(b\)\(i\)](#);
      - (bb) the operational plan submitted under regulation [47\(5\)\(b\)\(ii\)](#);
    - (iii) a conviction of the scheme operator for an offence under—
      - (aa) regulation [89\(2\)](#);
      - (bb) regulation 73(3) or (4) of the Waste Electrical and Electronic Equipment Regulations 2006(1); or
      - (cc) the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(2), committed in the scheme operator's capacity as the operator of a scheme under those Regulations,within 28 days of any such change or conviction;
  - (f) in respect of each compliance period other than the first compliance period, after 15th October and on or before 31st October in the year before the compliance period, inform the appropriate authority of the names of its scheme members and their battery producer registration numbers;

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(1) [S.I. 2006/3289](#), as amended by [S.I. 2007/3454](#).

(2) [S.I. 2007/871](#), as amended by [S.I. 2008/413](#). There are other amendments not relevant to these Regulations.

- (g) provide the appropriate authority with an updated operational plan covering the next three compliance periods on or before 31st August of each year in respect of which the approval remains in force;
  - (h) pay the scheme subsistence charge to the appropriate authority on receipt of an invoice issued under regulation 79(2);
  - (i) make records available and provide information to the appropriate authority in compliance with regulations 22(2), 23 and 24.
- (3) The scheme operator and the battery compliance scheme must continue to meet the criteria for approval of a proposed scheme set out in Part 3 of Schedule 3 (reading that Part as if references to the operator of a proposed scheme were to the scheme operator and references to a proposed scheme were to the battery compliance scheme).