
STATUTORY INSTRUMENTS

2013 No. 3113

The Waste Electrical and Electronic
Equipment Regulations 2013

PART 7

APPROVAL OF PROPOSED SCHEMES AND
WITHDRAWAL OF APPROVAL OF SCHEMES

Application for approval of a proposed scheme

55.—(1) Subject to paragraph (2), an application for approval of a proposed scheme will be made to the appropriate authority by the operator of the proposed scheme in respect of an application for approval for a compliance period (“the relevant compliance period”), during the period commencing on 1st July and ending with 31st August in the year immediately preceding the commencement of that compliance period.

(2) Where a scheme member has been served with a notification under regulation 58(3) in relation to his membership of a particular scheme (“the old scheme”) and that scheme member has notified the appropriate authority under regulation 14(9) that he intends to join a proposed scheme, the operator of that proposed scheme must make an application under paragraph (1) within 28 days of the date of the notice served on that scheme member under regulation 58(3).

(3) Where the operator of a proposed scheme is a partnership the application for approval will be made by any partner acting on behalf of the partnership.

(4) An application for approval of a proposed scheme will—

(a) be made in writing;

(b) include—

(i) the information set out in Part 1 of Schedule 10, which will be submitted in the format published by the appropriate authority under regulation 79,

(ii) a copy of the constitution of the proposed scheme which must contain the information set out in Part 2 of Schedule 10; and

(c) be accompanied by—

(i) where the appropriate authority is the Environment Agency, the Natural Resources body for Wales, or SEPA the application charge specified in regulation 59(1), and

(ii) where the appropriate authority is the Department of the Environment, the application charge specified in the Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006(1).

(5) An application for approval of a proposed scheme will be granted where—

(a) the operator of the proposed scheme has complied with all of the requirements of paragraph (4); and

- (b) the appropriate authority is satisfied that the information provided by the operator of the proposed scheme in accordance with paragraph (4) demonstrates that—
 - (i) the operator of the proposed scheme will comply with the code of practice, and
 - (ii) the criteria for approval of a scheme set out in Part 3 of Schedule 10 are met, and will otherwise be refused.
- (6) Where an application for approval under this regulation is granted—
 - (a) the appropriate authority will notify the operator of the scheme in writing of that decision—
 - (i) in the case of an application made under paragraph (1), on or before 30th September of the year immediately preceding the relevant compliance period,
 - (ii) in the case of an application made under paragraph (2), on or before 30th September of the year immediately preceding the relevant compliance period or within 28 days of the date of receipt of that application, whichever is the later, and
 - (iii) in the case of an application made under paragraph (1) or (2) that has been the subject of a decision to refuse to grant approval and in respect of which there has been a successful appeal under regulation 84, on or before 30th September of the year immediately preceding the relevant compliance period or within 28 days of the date of the determination of the appeal, whichever is the later; and
 - (b) the approval will cover the period—
 - (i) in the case of an application made under paragraph (1), from the commencement of the relevant compliance period, and
 - (ii) in the case of an application made under paragraph (2), from the commencement of the relevant compliance period or the date of the decision to grant approval under this regulation, whichever is the later;
 and will remain in force unless approval is withdrawn for any reason under regulation 58;
 - (c) the appropriate authority will publish the following details of the scheme—
 - (i) name of the scheme,
 - (ii) name and address of the operator of the scheme; and
 - (iii) whether the scheme is approved for the purposes of complying with an operator of a scheme's obligations in relation to—
 - (aa) WEEE from private households under regulation 28;
 - (bb) WEEE from users other than private households under regulation 29; or
 - (cc) both (aa) and (bb).
- (7) A notification served under paragraph (6)(a) will specify whether the scheme is approved for the purposes of complying with that operator of a scheme's obligations in relation to—
 - (a) WEEE from private households under regulation 28;
 - (b) WEEE from users other than private households under regulation 29; or
 - (c) both (a) and (b).
- (8) Where an application for approval made under this regulation by virtue of paragraph (2) is granted, the appropriate authority will notify each member of the old scheme who has served a notice under regulation 14(9)(b)(i) in writing of that decision within 14 days of the date of the decision.