

## SCHEDULES

### [F1]SCHEDULE 8A

Regulation 34A(10)

#### Approval of a PBS

##### Textual Amendments

- F1** Sch. 8A inserted (1.1.2019) by [The Waste Electrical and Electronic Equipment \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1214\)](#), regs. 1, **30**

### PART 1

#### Information to be included in a proposal for a PBS

1. The name of the PBS.
2. The name of the operator or proposed operator of the PBS.
3. The address, telephone number and email address of the operator or proposed operator of the PBS.
4. Where the operator or proposed operator of the PBS is a registered company, the address of the registered office of the company.
5. Where the operator or proposed operator of the PBS is a partnership, the names and addresses of all the partners.
6. Confirmation of whether or not any person who is the operator or a director of or, as the case may be, a partner in the operator or proposed operator of the PBS has been convicted of an offence under these Regulations and where a positive confirmation is given an explanation of how the contravention of these Regulations which resulted in the conviction occurred and what steps have been taken to ensure that such a contravention will not occur in the future.
7. The estimated cost of setting up (in the case of a proposed PBS) and administering the PBS.
8. Qualifications and relevant experience of the operator or proposed operator of the PBS, any person who is a director of or a partner in the operator or proposed operator and any staff.
9. In the case of a proposal under regulation 34A(6)(b)(i), details of the proposed transitional arrangements for transferring functions in relation to requirements to take action under regulation 34 from the previously approved PBS to the newly approved PBS.

### PART 2

#### PBS Requirements

10. That the rules of the PBS provide for the operator to arrange for the fulfilment by one or more of its participating schemes, in accordance with the requirements of regulation 34 and on the

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basis either of a one-off collection or of an ongoing service for a minimum of 6 months, of any requirement to take action under regulation 34(1) referred to it by a scheme operator.

**11.** That the rules of the PBS provide that the costs of fulfilling, in accordance with paragraph 10, any requirement under regulation 34(1) referred to it by a scheme operator, will be shared between all the participating schemes on a market share basis.

**12.** That the rules of the PBS provide for termination in the event that the approval of the PBS is withdrawn under regulation 34A(9) and make appropriate provision for completion of pending obligations and for payment of sums arising under the PBS in the event of such termination.

**13.** In the case of a PBS approved under regulation 34A(6)(b)(i), that the Secretary of State is satisfied that the proposed transitional arrangements, details of which have been given in accordance with paragraph 9, are adequate to ensure that requirements to take action under regulation 34 are dealt with satisfactorily during the period covered by such arrangements.

**14.** That the Secretary of State is satisfied that the PBS will be compliant with the code of practice in so far as it relates to regulation 34 requirements.

**15.** That the Secretary of State is satisfied that the operator or proposed operator of the PBS will have the necessary experience and resources and systems in place to—

- (a) arrange for the fulfilment of any requirement to take action under regulation 34(1) referred to the PBS as mentioned in paragraph 10;
- (b) share information in such a way as to maintain commercial confidentiality;
- (c) enforce obligations of the participating schemes under the PBS.

**16.** That the Secretary of State is satisfied that the PBS will comply with all relevant legislation, including competition law.

**17.** In this Schedule—

- (a) “scheme operator” has the same meaning as in regulation 34;
- (b) “market share” means  $A/B$ , where “A” and “B” have the same meanings as in regulation 28]

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 8 Pt. 3 para. 31 word substituted by [S.I. 2015/1968 reg. 2\(43\)\(b\)\(i\)](#)
- Sch. 8 Pt. 3 para. 31 word substituted by [S.I. 2015/1968 reg. 2\(43\)\(b\)\(ii\)](#)