
STATUTORY INSTRUMENTS

2018 No. 1214

**The Waste Electrical and Electronic Equipment
(Amendment) (No. 2) Regulations 2018**

New regulations 34A (PBS: procedure for approval) and 34B (obligation to join a PBS)

11. After regulation 34, insert—

“PBS: procedure for approval

34A. Any person or body may, on or before 1st March 2019, propose a PBS for approval by the Secretary of State.

(2) The Secretary of State must consult such persons or bodies as appear to the Secretary of State representative of the interests concerned on any PBS proposed by—

- (a) any person or body in accordance with paragraph (1); or
- (b) the Secretary of State.

(3) Such consultation must commence on or before 1st May 2019.

(4) Subject to paragraph (12), the Secretary of State, having consulted in accordance with paragraphs (2) and (3), must approve the PBS, or as the case may be one of the PBS, on which the Secretary of State has consulted, with or without amendments.

(5) Within a period of 3 years, beginning with 1st January 2019 and thereafter within each period of 3 years beginning with the day after the end of the previous period of 3 years, the Secretary of State must commence a review of the PBS which is in operation at the time the review commences (“the current PBS”).

(6) A review under paragraph (5) must take into account—

- (a) any amendments to the current PBS proposed by—
 - (i) any person or body; or
 - (ii) the Secretary of State; and
- (b) any new PBS proposed by—
 - (i) any person or body; or
 - (ii) the Secretary of State.

(7) When carrying out a review under paragraph (5), the Secretary of State must consult such persons or bodies as appear to the Secretary of State representative of the interests concerned on—

- (a) the current PBS, with or without proposed amendments; and
- (b) any new proposed PBS.

(8) Subject to paragraph (12), the Secretary of State, having consulted in accordance with paragraph (7), must—

- (a) approve the current PBS, to continue with or without amendments; or

- (b) where one or more new PBS has been proposed in accordance with paragraph (6)(b), approve the new PBS or, as the case may be, one of the new PBS, with or without amendments.
- (9) Where the Secretary of State approves a new PBS or the current PBS with amendments under paragraph (8), the Secretary of State must at the same time withdraw approval of the PBS which is in operation at the time of the review.
- (10) Any proposal for a PBS under paragraph (1) or (6)(b)(i) must—
 - (a) be made in writing;
 - (b) include the information set out in Part 1 of Schedule 8A; and
 - (c) be submitted to the Secretary of State prior to the commencement of any review under paragraph (5).
- (11) Any proposed amendment to a PBS under paragraph (6)(a)(i) must be submitted to the Secretary of State in writing prior to the commencement of any review under paragraph (5).
- (12) The Secretary of State may not approve a PBS unless the requirements set out in Part 2 of Schedule 8A are met.

Obligation to join a PBS

- 34B.**—(1) During a relevant period every scheme that has been approved under regulation 55 for the purpose of regulation 28 must be a member of a PBS which has been approved under regulation 34A and in respect of which the approval has not been withdrawn under that regulation (an approved PBS).
- (2) In this regulation “relevant period” means the period beginning 30 days after a PBS is approved and ending when such approval is withdrawn.”