STATUTORY INSTRUMENTS

2015 No. 1935

ENVIRONMENTAL PROTECTION

The Waste Batteries and Accumulators (Amendment) Regulations 2015

Made - - - -	*18th November 2015*
Laid before Parliament	*26th November 2015*
Coming into force - -	*1st January 2016*

The Secretary of State makes these Regulations under the powers conferred by section 2(2) of the European Communities Act 1972(**1**).

The Secretary of State is designated(**2**) for the purposes of the Act in relation to batteries and accumulators.

PROSPECTIVE

Citation, commencement and amendment

1.—(1) These Regulations may be cited as the Waste Batteries and Accumulators (Amendment) Regulations 2015 and come into force on 1st January 2016.

(2) The Waste Batteries and Accumulators Regulations 2009(**3**) are amended in accordance with regulations 2 to 10.

Commencement Information

I1 Reg. 1 in force at 1.1.2016, see **reg. 1(1)**

New regulation 5A

2. After regulation 5 (signature of documents: meaning of appropriate person), insert—

(**1**) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(**2**) S.I. 2007/3471.
(**3**) S.I. 2009/890, to which there are amendments not relevant to these Regulations.

"**Delegation of document-signing function**

5A.—(1) The appropriate authority may approve the delegation by an appropriate person of the function of signing documents or information under these Regulations to any other person.

(2) A person who proposes to delegate under paragraph (1) must apply for approval to the appropriate authority on a form supplied for that purpose by the authority and signed by the person.

(3) An application for approval under paragraph (2) must, within 28 days of receipt of the application—

(a) be granted where the appropriate authority is satisfied that the proposed delegate, taking into account the factors specified in paragraph (4), is capable of carrying out the function; or

(b) otherwise be refused.

(4) The factors mentioned in paragraph (3)(a) are—

(a) if the proposed delegate is an employee of the producer or the operator of the scheme, the proposed delegate's level of seniority;

(b) if the proposed delegate is not an employee of the producer or the operator of the scheme, the nature of the proposed delegate's relationship with the appropriate person;

(c) the degree of the proposed delegate's knowledge of, or access to, information necessary for the purposes of carrying out the function; and

(d) any other factor which the appropriate authority reasonably thinks relevant.

(5) An approval granted in accordance with paragraph (3)(a) may be for such period, or subject to such other conditions, as the appropriate authority may specify.

(6) Where an application for approval is granted in accordance with paragraph (3)(a), the appropriate authority must, within 28 days of its decision, notify the appropriate person in writing of this and of any conditions it has imposed pursuant to paragraph (5).

(7) A person whose function has been delegated in accordance with paragraph (3)(a) may continue to perform the function.

(8) The appropriate authority may withdraw an approval granted under paragraph (3)(a) and, if so, must notify the appropriate person in writing of this and of—

(a) the reasons for withdrawal of the approval; and

(b) the date when the withdrawal takes effect, not being earlier than 28 days from the date of the notice.

(9) If an appropriate person proposes to revoke a delegation approved under paragraph (3)(a), the person must serve written notice on the appropriate authority of this and of the date when the revocation takes effect, not being earlier than 28 days from the date of the notice.

(10) For the purposes of these Regulations, an act of a delegate acting in accordance with an approval granted under paragraph (3)(a) is treated as an act of the appropriate person.".

Commencement Information

I2 Reg. 2 in force at 1.1.2016, see **reg. 1(1)**

Regulation 19

3. In regulation 19 (financing: portable batteries), in paragraph (2), for "paragraph 10", substitute "paragraph 15(2)".

Commencement Information
I3 Reg. 3 in force at 1.1.2016, see **reg. 1(1)**

Regulation 47

4. In regulation 47 (application for approval of a proposed battery compliance scheme), for paragraph (5)(b), substitute—

"(b) include the information set out in Part 1 of Schedule 3, which must be submitted in the format published by the appropriate authority under regulation 79;".

Commencement Information
I4 Reg. 4 in force at 1.1.2016, see **reg. 1(1)**

Regulation 49

5. In regulation 49 (approval of proposed schemes), in paragraph (1)(c), for "and operational plan provided in accordance with regulation 47 demonstrate", substitute "provided in accordance with regulation 47 demonstrates".

Commencement Information
I5 Reg. 5 in force at 1.1.2016, see **reg. 1(1)**

Regulation 52

6. In regulation 52 (conditions of approval), omit paragraph (2)(b), (e)(ii)(bb) and (g).

Commencement Information
I6 Reg. 6 in force at 1.1.2016, see **reg. 1(1)**

Regulation 53

7. Omit regulation 53 (annual confirmation of approval of a battery compliance scheme).

Commencement Information
I7 Reg. 7 in force at 1.1.2016, see **reg. 1(1)**

Regulation 66

8. In regulation 66 (reporting), omit paragraphs (4) and (5).