WELSH STATUTORY INSTRUMENTS

2003 No. 780 (W.91)

ENVIRONMENTAL PROTECTION, WALES

The Waste Management Licensing (Amendment) (Wales) Regulations 2003

Made - - - -	*18th March 2003*
Coming into force - -	*1st April 2003*

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by sections 33(3) and 74(6)(**1**) of the Environmental Protection Act 1990(**2**) and now exercisable by the National Assembly for Wales(**3**), and having had regard in particular, in exercising its powers under section 33(3) of that Act, to the matters specified in section 33(4) of that Act, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Waste Management Licensing (Amendment) (Wales) Regulations 2003 and come into force on 1st April 2003.

(2) These Regulations apply to Wales.

Amendment of the Waste Management Licensing Regulations 1994

2. The Waste Management Licensing Regulations 1994(**4**) are hereby amended in accordance with the following provisions of these Regulations.

(**1**) Section 74(6) enables regulations to be made prescribing the qualifications and experience required of a person for the purposes of the management of an activity authorised by a waste management licence granted under section 35. The qualifications and experience so prescribed are treated by regulation 4(5)(b) of S.I. 2000/1973 (which applies to England and Wales and which amended regulation 1 of S.I. 1994/1056) as the qualifications and experience required of a person for the purposes of technical competence to manage a waste management activity authorised by a permit under Part II of that instrument (which implements Council Directive 96/61/EC concerning integrated pollution prevention and control (OJNo. L 257, 10.10.96, p.26)). The extension of that instrument to landfills by regulation 6 of S.I. 2002/1559 (which applies to England and Wales and which implements Council Directive 99/31/EC on the landfill of waste (OJ No. L 182, 17.7.99, p.1)) has the effect that the qualifications and experience prescribed pursuant to section 74(6) apply to persons managing a landfill pursuant to a landfill permit.

(**2**) 1990 c. 43.

(**3**) The functions of the Secretary of State were transferred to the National Assembly for Wales, in relation to Wales, by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1.

(**4**) S.I. 1994/1056. These Regulations were last amended (in relation to England and Wales) by regulation 6 of S.I. 2002/2980.

Interpretation – scrap metal dealer

3. In regulation 1(3)(**5**), for the definition of "scrap metal" there is substituted the following—

""scrap metal dealer" has the meaning given by section 9(1), and "scrap metal" has the meaning given by section 9(2), of the Scrap Metal Dealers Act 1964(**fn**);".

4. In relation to the substituted definition in regulation 1(3) there is inserted in the appropriate place the following footnote—

"(fn) 1964 c. 69. Section 9(1) was amended by section 43 of, and paragraph 2 of the Schedule to, the Vehicles (Crime) Act 2001 (c. 3). There are other amendments to that Act not relevant to these Regulations.".

Technical competence

5. For regulation 4(**6**) there is substituted the following—

"**Technical competence**

4.—(1) Subject to paragraph (2) of this regulation and regulation 5 below, and without prejudice to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulation 2002(**fn**), Schedule 1A has effect to prescribe for the purposes of section 74(3)(b) of the 1990 Act (management of activities to be in the hands of a technically competent person) the qualifications required of a person if that person is to be considered technically competent in relation to a facility of a type listed in Table 1 of that Schedule.

(2) Paragraph (1) does not apply in relation to a facility which is used exclusively for the purpose of—

(a) carrying on business as a scrap metal dealer;

(b) dismantling motor vehicles; or

(c) the burial of dead domestic pets.".

6. In relation to the substituted regulation 4 there is inserted in the appropriate place the following footnote—

"(fn) S.I. 2002/2934, implementing Council Directive 92/51/EEC on a second general system for the recognition of professional education and training. Part 1 of Schedule 2 (Professions Regulated by Law or Public Authority) designates the Waste Management Industry Training and Advisory Body as the authority for certified technically competent persons.".

Transitional provision

7. In regulation 5, the following paragraph is added at the end—

"(8) Where—

(a) a person was technically competent for the purposes of section 74(3)(b) of the 1990 Act in relation to a type of facility immediately prior to the coming into force of the Waste Management Licensing (Amendment) (Wales) Regulations 2003 ("the 2003 Regulations") (whether or not the management of a facility of that type was in the hands of that person at that time); and

(**5**) There are amendments to regulation 1 not relevant to this amendment.
(**6**) Regulation 4 was amended by S.I. 1996/634 and 1997/2203.

(b) that person would, in order to manage a facility of that type, be required to obtain a new certificate in order to remain technically competent in relation to thereto as a result of the 2003 Regulations

then, until 31 March 2005, that person shall be treated as technically competent in relation to a facility of that type for the purposes of section 74(3)(b) of the 1990 Act.".

Insertion of Schedule 1A

8. There is inserted into the Waste Management Licensing Regulations 1994, after Schedule 1, the schedule set out in the Schedule to these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**7**)

D.Elis-Thomas
18th March 2003 Presiding Officer of the National Assembly

(**7**) 1998 c. 38.

SCHEDULE

Regulation 8

"SCHEDULE 1A

Regulation 4

Certificates of Technical Competence

1. The qualifications required of a person if he is to be regarded as technically competent for the purposes of section 74(3)(b) of the 1990 Act to manage a facility of a description listed in Table 1 are that that person must hold one of the certificates awarded by the Waste Management Industry Training and Advisory Board(**8**) the codes of which are specified in relation to that description of facility in that Table; and the certificates to which the codes refer are set out in Table 2.

Table 1

Number	*Type of Facility*	*Certificate Code*
1	Landfill site for hazardous waste	A, D, or G
2	Landfill site for hazardous waste — single waste stream	A, D, G or H
3	Landfill site for non-hazardous waste	A, B, D, E, G or I
4	Landfill site for non-hazardous waste — single waste stream	A, B, D, E, G, H, I or J
5	Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	A, B, C, D, E, F, G, I or K
6	Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres — single waste stream	A, B, C, D, E, F, G, H, I, J, K or L
7	Closed landfill site for hazardous waste	A, D, G or M
8	Closed landfill site for hazardous waste — single waste stream	A, D, G, H or M
9	Closed landfill site for non-hazardous waste	A, B, D, E, G, I or M
10	Closed landfill site for non-hazardous waste — single waste stream	A, B, D, E, G, H, I, J or M
11	Closed landfill site for inert waste with a total capacity	A, B, C, D, E, F, G, I, K or M

(**8**) The Waste Management Industry Training and Advisory Board (WAMITAB) is a private law body which was set up in 1989 by the waste management industry.

Number	*Type of Facility*	*Certificate Code*
	of greater than 50,000 cubic metres	
12	Closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres — single waste stream	A, B, C, D, E, F, G, H, I, J, K, L or M
13	Treatment plant where hazardous waste is subjected to a chemical or physical process	N, P or S
14	Treatment plant where hazardous clinical waste is subject to a physical or chemical process	N, P, S or Ss
15	Treatment plant where hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	N, P, S or T
16	Treatment plant where non-hazardous waste is subjected to a chemical or physical process	N, P, Q, S or U
17	Treatment plant where non-hazardous waste is subjected to a composting process	N, P, Q, S, U or W
18	Treatment plant where non-hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	N, P, Q, S, T, U or V
19	Treatment plant where non-hazardous clinical waste is subjected to a chemical or physical process	N, P, S, Ss or X
20	Treatment plant where inert waste is subjected to a chemical or physical process	N, O, P, Q, R, S, U or Y
21	Transfer station for hazardous waste where the capacity of the facility is greater than 5 cubic metres	Z, DD or II
22	Transfer station for hazardous clinical waste where the capacity of the	Z, DD, II or JJ