STATUTORY RULES OF NORTHERN IRELAND

1999 No. 362

ENVIRONMENTAL PROTECTION

Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999

Made - - - -	*20th August 1999*
Coming into operation	*21st September 1999*

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2), 38(3)(a), 39(1) to (5), 40(1) to (4), 41(7), 42(3) and 43(1) and (5) to (7) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 and shall come into operation on 21st September 1999.

(2) In these Regulations—

"credit reference agency" has the same meaning as in section 145(8) of the Consumer Credit Act 1974(**2**);

"date of expiry" means, in relation to a person's registration as a carrier of controlled waste, the date on which the period of 3 years mentioned in regulation 11(2) expires;

"the 1997 Order" means the Waste and Contaminated Land (Northern Ireland) Order 1997; and

"prescribed offence" means an offence under a statutory provision listed in Schedule 1.

(3) For the purposes of these Regulations, an application for registration or for the renewal of a registration as a carrier of controlled waste shall be treated as pending—

(a) whilst it is being considered by the Department; or

(b) if it has been refused or the relevant period from the making of the application has expired without the applicant having been registered, whilst either—

(i) the period for appealing in relation to that application has not expired; or

(ii) the application is the subject of an appeal which has not been disposed of.

(**1**) S.I. 1997/2778 (N.I. 19)
(**2**) 1974 c. 39

Exemption from registration

2.—(1) The following persons shall not be required for the purposes of Article 38 of the 1997 Order to be a registered carrier of controlled waste—

(a) a Government Department;

(b) a district council;

(c) a producer of the controlled waste in question except where it is building or demolition waste;

(d) the Northern Ireland Railways Company Limited in relation to carriage by rail;

(e) a ferry operator in relation to the carriage on the ferry of any vehicle carrying controlled waste;

(f) the operator of a vessel, aircraft, hovercraft, floating container or vehicle in relation to its use, after it has been loaded with waste in circumstances in which a licence under Part II of the Food and Environmental Protection Act 1985(**3**) is needed or would be needed but for an order under section 7 of that Act, for transporting the waste in order to carry out any operation mentioned in section 5 or 6 of that Act;

(g) a charity within the meaning of section 35 of the Charities Act (Northern Ireland) 1964(**4**);

(h) a voluntary body within the meaning of section 148 of the Local Government Act (Northern Ireland) 1972(**5**);

(i) a person who before 11th March 2000 applies in accordance with these Regulations for registration as a carrier of controlled waste but only whilst his application is pending;

(j) a person who—

(i) is the holder of a licence under regulation 5(4) of the Animal By-Products Regulations (Northern Ireland) 1993(**6**); or

(ii) has obtained an approval under regulation 7 of those Regulations; or

(iii) is registered under regulation 8 or 9 of those Regulations,

in relation to the transport of animal by-products in accordance with Schedule 2 to those Regulations in connection with the activity to which the licence, approval or registration relates; or

(k) a person who is engaged in the business of removing animal protein in accordance with the provisions of the Diseases of Animals (Animal Protein) (No. 2) Order (Northern Ireland) 1989(**7**).

(2) In this regulation—

"animal by-products" has the same meaning as in regulation 2(1) of the Animal By-Products Regulations (Northern Ireland) 1993;

"animal protein" has the same meaning as in regulation 3(1) of the Diseases of Animals (Animal Protein) (No. 2) Order (Northern Ireland) 1989;

"building or demolition waste" means waste arising from works of construction or demolition, including waste arising from work preparatory thereto;

"construction" includes improvement, repair or alteration.

(**3**) 1985 c. 48; sections 5 and 6 were amended by section 146(2) and (3) of the Environmental Protection Act 1990 (1990 c. 43)
(**4**) 1964 c. 33 (N.I.)
(**5**) 1972 c. 9 (N.I.)
(**6**) S.R. 1993 No. 192 as amended by S.R. 1998 No. 108
(**7**) S.R. 1989 No. 347 as amended by S.R. 1992 No. 62 and S.R. 1993 No. 193

Registers

3.—(1) The Department shall establish and maintain a register of carriers of controlled waste and—

(a) secure that the register is open for inspection by any person, free of charge at all reasonable hours; and

(b) afford to any person reasonable facilities for obtaining copies of entries in the register on payment of reasonable charges.

(2) A register under this regulation may be kept in any form but shall be indexed and arranged so that any person can readily trace the information contained in it.

Applications for registration

4.—(1) An application for registration or for the renewal of a registration as a carrier of controlled waste shall be made to the Department.

(2) Subject to paragraphs (3) to (5), a person shall not make an application for registration or for the renewal of a registration whilst—

(a) a previous application of his is pending; or

(b) he is registered.

(3) Paragraph (2) shall not prevent a person from applying for the renewal of a registration where his application is made within the period of six months mentioned in regulation 11(4).

(4) An application for registration or for the renewal of a registration in respect of a business which is or is to be carried on by a partnership shall be made by all of the partners or prospective partners.

(5) A prospective partner in a business carried on by a partnership whose members are already registered may make an application for registration as a partner in that business.

(6) An application for registration or for renewal of a registration shall be made on a form provided for the purpose by the Department, and shall be accompanied by such information as the Department may reasonably require.

(7) The Department shall provide a copy of any form mentioned in paragraph (6) free of charge to any person requesting one.

(8) The Department shall charge an applicant in respect of its consideration of his application—

(a) in the case of an application for registration, £120;

(b) in the case of an application for the renewal of registration, £60,

and the applicant shall pay the charge when he makes his application.

(9) The Department shall, on receipt of an application for registration or for the renewal of a registration, ensure that the register contains a copy of the application.

(10) The Department may remove from its register a copy of an application included under paragraph (9) at any time more than 6 years after the application was made.

Refusal of applications

5.—(1) Subject to Article 40(6) of the 1997 Order, the Department may refuse an application for registration or for the renewal of a registration if, and only if—

(a) there has, in relation to that application, been a contravention of any of the requirements of regulation 4; or

(b) the applicant or another relevant person has been convicted of a prescribed offence and in the opinion of the Department, it is undesirable for the applicant to be authorised to transport controlled waste.

(2) Where the Department decides to refuse an application for registration or for the renewal of a registration, it shall give notice to the applicant informing him that his application is refused and of the reasons for its decision.

(3) If an appeal is made under Article 41(1) of the 1997 Order in accordance with these Regulations, the Department shall, as soon as reasonably practicable, make appropriate entries in its register indicating when the appeal was made and the result of the appeal.

(4) If no appeal is made under Article 41(1) of the 1997 Order, the Department shall, as soon as reasonably practicable, make an appropriate entry in its register indicating that the application has been refused and that no appeal has been made.

(5) The Department may remove an entry made under paragraph (3) or (4) at any time more than 6 years after the application in question was made.

Registration as a carrier

6.—(1) On accepting a person's application for registration or where following an appeal in respect of such an application it is determined under Article 41(6) of the 1997 Order to register a person, the Department shall make an entry in its register—

(a) showing that person as a registered carrier of controlled waste and allocating him a registration number (which may include any letter);

(b) specifying the date on which the registration takes effect and its date of expiry;

(c) stating any business name of his and the address of his principal place of business (together with any telephone, telex or fax number of his) and, in the case of an individual, his date of birth;

(d) in the case of a body corporate, listing the names of each director, manager, secretary or other similar officer of that body and their respective dates of birth;

(e) in the case of a company within the meaning of Article 3(1) of the Companies (Northern Ireland) Order 1986(**8**), specifying its registered number and, in the case of a company incorporated outside Northern Ireland, the country in which it was incorporated;

(f) in a case where the person who is registered or another relevant person has been convicted of a prescribed offence, giving the person's name, details of the offence, the date of conviction, the penalty imposed, the name of the Court and, in the case of an individual, his date of birth; and

(g) in a case where the person who is registered or any company in the same group of companies as that person is the holder of a waste management licence or a disposal licence stating the name of the holder of the licence and the name of the authority which granted it.

(2) In the case of a business which is or is to be carried on by a partnership, all the partners shall be registered under one entry and only one registration number shall be allocated to the partnership.

(3) On making an entry in its register under paragraph (1), the Department shall—

(a) issue to the registered person or partnership a certificate of registration free of charge which shall be in the form set out in Schedule 2, and shall contain the information required by that form; and

(b) provide that person or partnership free of charge with a copy of the entry in the register.

(4) In this regulation—

(**8**) S.I. 1986/1032 (N.I. 6)

"business name" means a name under which a person carries on business and by virtue of which the Business Names (Northern Ireland) Order 1986(**9**) applies;

"disposal licence" has the same meaning as in Article 5(1) of the Pollution Control and Local Government (Northern Ireland) Order 1978(**10**); and

"group" has the same meaning as in Article 55(1) of the Companies (Northern Ireland) Order 1990(**11**).

Amendment of entries

7.—(1) On accepting a person's application for the renewal of a registration or where following an appeal in respect of such an application it is determined under Article 41(6) of the 1997 Order to register a person, the Department shall amend the relevant entry in the register—

(a) to show the date on which the renewal takes effect and the revised date of expiry of the registration;

(b) to record any other change disclosed as a result of the application; and

(c) to note in the register the date on which the amendments are made.

(2) The Department shall at the same time as amending the register—

(a) issue to the registered person or partnership an amended certificate of registration free of charge which shall be in the form set out in Schedule 2, and shall contain the information required by that form;

(b) provide that person or partnership free of charge with a copy of the amended entry in the register.

Change of circumstances and registration of additional partners

8.—(1) A person who is registered shall notify the Department of any change of circumstances affecting information in the entry relating to him.

(2) On—

(a) being notified of any change of circumstances in accordance with paragraph (1);

(b) accepting a prospective partner's application for registration in relation to a business carried on by a partnership whose members are already registered; or

(c) a determination under Article 41(6) of the 1997 Order to register such a prospective partner,

the Department shall—

(i) amend the relevant entry to reflect the change of circumstances or the registration of the prospective partner;

(ii) note in the register the date on which the amendment is made;

(iii) if the amendment of the register affects information contained in the certificate of registration, issue to the registered person or partnership free of charge an amended certificate of registration which shall be in the form set out in Schedule 2, and shall contain the information required by that form;

(iv) provide that person or partnership free of charge with a copy of the amended entry in the register.

(**9**) S.I. 1986/1033 (N.I. 7)
(**10**) S.I. 1978/1049 (N.I. 19)
(**11**) S.I. 1990/593 (N.I. 5)