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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 79**

**The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2016**

**PART 2**

**Amendment of the Producer Responsibility Obligations  
(Packaging Waste) Regulations (Northern Ireland) 2007**

**Insertion of regulation 34A**

**20.** After regulation 34, insert—

**“Delegation of approved persons’ functions: procedure**

**34A.**—(1) An approved person who proposes the delegation of that approved person’s functions to another person in accordance with regulation 34(4) shall apply for approval to the Department on a form supplied for that purpose by the Department and signed by the approved person.

(2) An application for approval in accordance with paragraph (1) shall, within 28 days of receipt of the application—

- (a) be granted where the Department is satisfied that the proposed delegate, taking into account the factors specified in paragraph (3), is capable of carrying out the functions of the approved person; or
- (b) otherwise be refused.

(3) The factors referred to in paragraph (2)(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 experience;
- (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 approved person;
- (c) the degree of the proposed delegate’s knowledge of, or access to, information necessary for the purposes of carrying out the functions on behalf of the approved person; and
- (d) any other factor which the Department reasonably considers to be relevant.

(4) An approval granted in accordance with paragraph (2)(a) may be for such a period, or subject to such conditions, as the Department may specify.

(5) Where an application for approval is granted in accordance with paragraph (2)(a), the Department shall notify the approved person in writing of such approval, and of any conditions it has imposed in accordance with paragraph (4), within 28 days of its decision.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) The Department may decide to withdraw approval granted in accordance with paragraph (2)(a) and, if such a decision is taken, shall serve on the approved person written notice of—

- (a) the decision to withdraw approval;
- (b) the reasons for the decision; and
- (c) the date on which the withdrawal takes effect, not being earlier than 28 days from the date of the notice.

(7) If an approved person proposes to revoke a delegation granted in accordance with paragraph (2)(a), the person shall serve written notice on the Department of this and of the date when the revocation takes effect, not being earlier than 28 days from the date of the notice.”.