
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

The Waste Management Licensing (Scotland) Regulations 2011

Registration of brokers and dealers

30.—(1) It is an offence for an establishment or undertaking to arrange (as broker or dealer) for the recovery or disposal of controlled waste on behalf of another person, or to purchase and sell controlled waste as a principal, unless it is a registered broker or dealer in controlled waste.

(2) Paragraph (1) does not apply in relation to an arrangement under which an establishment or undertaking will itself carry out the recovery or disposal of the waste and it is authorised to do so by—

- (a) a waste management licence;
- (b) an authorisation under Part I of the 1990 Act;
- (c) a permit under the 2000 Regulations;
- (d) an authorisation granted under the 2005 Regulations or the 2011 Regulations;
- (e) a licence under Part II of the Food and Environment Protection Act 1985; or
- (f) a licence under Part 4 of the Marine (Scotland) Act 2010.

(3) Paragraph (1) does not apply in relation to an arrangement for the recovery or disposal of waste made by, or to the purchase and sale of waste by, a person who is registered as a carrier of controlled waste, or who is registered for the purposes of paragraph 12(1) of Part I of Schedule 4, if as part of the arrangement that person transports the waste to or from any place in Scotland.

(4) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) Section 157 applies in relation to an offence under this regulation as it applies in relation to an offence under the 1990 Act.

(6) Schedule 5 (which makes provision about the registration of brokers of and dealers in controlled waste) has effect.

(7) Section 71(2) and (3) (power to obtain information) have effect as if the provisions of this regulation and Schedule 5 were provisions of Part II of the 1990 Act.

(8) Where a person is registered as a broker of controlled waste under regulation 20 of and Schedule 5 to the 1994 Regulations on 27th March 2011, that registration shall be treated as if it were a registration under this regulation and shall expire on the date specified in connection with the original registration.

Transitional provisions