

## SCHEDULE 5

### REGISTRATION OF BROKERS OF CONTROLLED WASTE

#### PART I

#### GENERAL

##### Interpretation

1.—(1) In this Schedule—

“the Carriers Regulations” means the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(1);

“date of expiry”, in relation to a broker’s registration, in a case to which sub-paragraph (2) or (3) of paragraph 7 applies, has the meaning given by that sub-paragraph, and in any other case means the date on which the period of three years mentioned in paragraph 7(1) expires;

“notice” means notice in writing;

“relevant offence” means an offence under any of the enactments listed in regulation 3; and

“relevant period” means two months or, except in the case of an application for the renewal of his registration by a person who is already registered, longer period as may be agreed between the applicant and the waste regulation authority.

(2) In determining for the purposes of paragraph 3(13) or 5(1) whether it is desirable for any individual to be or to continue to be authorised to arrange (as dealer or broker) for the disposal or recovery of controlled waste on behalf of other persons, a waste regulation authority shall have regard, in a case in which a person other than the individual has been convicted of a relevant offence, to whether that individual has been a party to the carrying on of a business in a manner involving the commission of relevant offences.

(3) In relation to any applicant for registration or registered broker, another relevant person shall be treated for the purposes of paragraph 3(13) or 5(1) as having been convicted of a relevant offence if—

- (a) any person has been convicted of a relevant offence committed by him in the course of his employment by the applicant or registered broker or in the course of the carrying on of any business by a partnership one of the members of which was the applicant or registered broker;
- (b) a body corporate has been convicted of a relevant offence committed at a time when the applicant or registered broker was a director, manager, secretary or other similar officer of that body corporate; or
- (c) where the applicant or registered broker is a body corporate, a person who is a director, manager, secretary or other similar officer of that body corporate—
  - (i) has been convicted of a relevant offence; or
  - (ii) was a director, manager, secretary or other similar officer of another body corporate at a time when a relevant offence for which that other body corporate has been convicted was committed.

(4) For the purposes of this Schedule, an application for registration or for the renewal of a registration as a broker of controlled waste shall be treated as pending—

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(1) S.I.1991/1624; regulation 2(2) is amended by regulation 10 of the Controlled Waste Regulations 1992 (S.I. 1992/588).

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- (a) whilst it is being considered by the waste regulation authority; 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.
- (5) For the purposes of this Schedule, an appeal is disposed of when any of the following occurs—
- (a) the appeal is withdrawn;
  - (b) the appellant is notified by the Secretary of State or the waste regulation authority in question that his appeal has been dismissed; or
  - (c) the waste regulation authority complies with any direction of the Secretary of State to renew the appellant's registration or to cancel the revocation.
- (6) Any notice or other document required by this Schedule to be served on or given to a person may be served or given in accordance with section 160 of the 1990 Act.