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STATUTORY INSTRUMENTS

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**1996 No. 634**

**The Waste Management Regulations 1996**

**Pre-qualification technical competence**

4.—(1) Where:

- (a) a person has applied to the Waste Management Industry Training and Advisory Board for a certificate of technical competence in relation to one of the types of facility mentioned in paragraph (2);
- (b) an application has been made for a waste management licence to authorise activities whose management is intended to be in that person's hands;
- (c) the activities mentioned in sub-paragraph (b) are to be carried on at a facility of the same type as that in relation to which the application mentioned in sub-paragraph (a) was made; and
- (d) the relevant Agency as defined in paragraph (3) is satisfied that, but for regulation 4 of the Waste Management Licensing Regulations 1994, he would be a technically competent person<sup>(1)</sup>;

then, in relation to the facility in respect of which the application mentioned in sub-paragraph (b) was made and until the expiry of two years from the grant of a licence pursuant to that application, regulation 4 of those Regulations shall not apply to that person and he shall be treated as technically competent for the purposes of section 74(3)(b) of the Environmental Protection Act 1990.

(2) The types of facility mentioned in paragraph (1)(a) are all those listed in Table 1 of regulation 4(1) of the Waste Management Licensing Regulations 1994 other than any type of landfill site.

(3) The relevant Agency mentioned in paragraph (1)(d) is:

- (a) in relation to England and Wales, the Environment Agency established by section 1 of the Environment Act 1995; and
- (b) in relation to Scotland, the Scottish Environment Protection Agency established by section 20 of that Act.

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(1) Section 74(5) Environmental Protection Act 1990 provides that it shall be the duty of the Agencies to have regard to any guidance issued to them by the Secretary of State with respect to the discharge of their functions of making determinations to which section 74 applies.