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STATUTORY INSTRUMENTS

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**2000 No. 1043**

**The Environmental Protection (Disposal of  
Polychlorinated Biphenyls and other Dangerous  
Substances) (England and Wales) Regulations 2000**

**PART III**

**REGISTRATION OF HOLDERS OF CONTAMINATED EQUIPMENT**

**Registration**

**6.—**(1) Subject to paragraph (2), an application for registration—

- (a) shall be made in writing on a form provided by the Agency; and
- (b) shall contain the following particulars—
  - (i) the name and address of the applicant,
  - (ii) a description of the contaminated equipment, identifying its location or intended location,
  - (iii) a description of the PCBs which are or were contained in the equipment, so far as can reasonably be identified without excessive cost,
  - (iv) so far as can reasonably be ascertained without excessive cost, the quantity of such of those PCBs as have been identified, and
  - (v) every date on which treatment or replacement was carried out or is envisaged, specifying in each case the nature of the treatment or replacement.

(2) Information of the descriptions—

- (a) in paragraph (1)(b)(ii) to (v) may be provided in an electronic form acceptable to the Agency;
- (b) in paragraph (1)(b)(iii) to (v) need not be provided as regards any equipment in respect of which it is reasonable to assume that the fluids contain between 0.05% and 0.005%, by weight, of PCBs.

(3) An application for registration shall be granted where the applicant has complied with paragraph (1) and regulation 12 and shall otherwise be refused.

(4) Where an application for registration is granted, the Agency shall register the applicant and, in respect of the applicant, the other particulars furnished under paragraph (1)(b) and shall, within 28 days of it being granted, confirm in writing that the applicant is registered with it.

(5) Where an application for registration is refused, the Agency shall give notice in writing of the refusal to the applicant within 28 days of the refusal; and the notice shall be accompanied by a statement of the reasons for the decision and as to the circumstances in which an offence under regulation 13(1) may be committed.

(6) Where the Agency fails to determine an application within 56 days of the date on which the application is made, the application shall be deemed to have been refused on the expiry of that period.

### **Cancellation of registration or particulars**

7.—(1) The Agency may cancel the registration with it of a holder where it appears to the Agency that the applicant supplied false information in connection with his application for registration or has failed to comply with regulation 10(1) or (2) or a notice under regulation 10(4) (whether or not proceedings are instituted).

(2) The Agency shall cancel the registered particulars in respect of a particular location if it appears to the Agency that the registered holder does not hold contaminated equipment there.

(3) Before any cancellation under paragraph (1) or (2) takes effect, the Agency shall, subject to paragraph (4), serve on the registered holder written notice of—

- (a) its decision to cancel;
- (b) the reasons for the decision;
- (c) the date when the cancellation will take effect, not being earlier than 28 days from the date of service of the notice.

(4) Nothing in paragraph (3) shall require the Agency to give notice of a cancellation which gives effect to information supplied by a registered holder pursuant to regulation 10(1) and (2) or a notice under regulation 10(4).

### **Appeals**

8.—(1) A person may, by notice in writing given to the relevant appellate authority, appeal to the relevant appellate authority against—

- (a) the deemed refusal under regulation 6(6) of an application for registration; or
- (b) the cancellation of a registration under regulation 7.

(2) An appeal—

- (a) under paragraph (1)(a) shall be brought within the period of 28 days beginning with the date on which the application is deemed to be refused;
- (b) under paragraph (1)(b) shall be brought before the date on which the cancellation takes effect.

(3) The provisions set out in section 114(1), (3)(a) and (4) of, and Schedule 20 to, the 1995 Act (concerning the delegation of functions of determining, and the reference of matters involved in, appeals) shall apply in relation to appeals under this regulation, and matters involved in them, as they apply to appeals under the provisions specified in section 114(2)(a) of that Act and matters involved in those appeals, but as though references to the Secretary of State were to the relevant appellate authority.

(4) If a party to the appeal so requests, or the relevant appellate authority so decides, an appeal under this regulation shall be or continue in the form of a hearing (which may, if the person hearing the appeal so decides, be held or held to any extent in private).

(5) Where, on appeal in a case falling within paragraph (1)(b), the person determining the appeal determines that the decision of the Agency shall be altered it shall be the duty of the Agency to give effect to the determination.

(6) While an appeal is pending in a case falling within paragraph (1)(b), the decision in question shall be ineffective as respects any equipment which is the subject matter of the appeal; and if the appeal is dismissed or withdrawn the decision shall become effective from the end of the day on which the appeal is dismissed or withdrawn.

(7) In this regulation “relevant appellate authority” as respects a refusal or cancellation which relates to equipment held or to be held—

- (a) only at locations in England, means the Secretary of State;

- (b) only at locations in Wales, means the Welsh Assembly;
- (c) at locations in both England and Wales means—
  - (i) the Secretary of State so far as refusal or cancellation relates to equipment at locations in England,
  - (ii) the Welsh Assembly so far as the refusal or cancellation relates to equipment at locations in Wales.