
STATUTORY INSTRUMENTS

2003 No. 595

**The Waste Management Licensing
(Amendment) (England) Regulations 2003**

Citation, commencement and territorial application

1.—(1) These Regulations may be cited as the Waste Management Licensing (Amendment) (England) Regulations 2003 and shall come into force on 1st April 2003.

(2) These Regulations apply to England only.

Amendment of the Waste Management Licensing Regulations 1994

2. The Waste Management Licensing Regulations 1994(1) are hereby amended in accordance with the following provisions of these Regulations.

Interpretation – scrap metal dealer

3. In regulation 1(3)(2), for the definition of “scrap metal” there is substituted the following—
“scrap metal dealer” has the meaning given by section 9(1), and “scrap metal” has the meaning given by section 9(2), of the Scrap Metal Dealers Act 1964(3);”.

Technical competence

4. For regulation 4(4) there is substituted the following—

“Technical competence

4.—(1) Subject to paragraph (2) of this regulation and regulation 5 below, and without prejudice to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002(5), Schedule 1A has effect to prescribe for the purposes of section 74(3)(b) of the 1990 Act (management of activities to be in the hands of a technically competent person) the qualifications required of a person if that person is to be considered technically competent in relation to a facility of a type listed in Table 1 of that Schedule.

(2) Paragraph (1) does not apply in relation to a facility which is used exclusively for the purpose of—

(a) carrying on business as a scrap metal dealer;

(1) [S.I. 1994/1056](#), which apply to Great Britain. These Regulations were last amended (in relation to England and Wales) by regulation 6 of [S.I. 2002/2980](#).

(2) There are amendments to regulation 1(3) not relevant to this amendment.

(3) [1964 c. 69](#). Section 9(1) was amended by section 43 of, and paragraph 2 of the Schedule to, the Vehicles (Crime) Act [2001 \(c. 3\)](#). There are other amendments to that Act not relevant to these Regulations.

(4) Regulation 4 was amended by [S.I. 1996/634](#) and [1997/2203](#).

(5) [S.I. 2002/2934](#), implementing Council Directive [92/51/EEC](#) on a second general system for the recognition of professional education and training. Part 1 of Schedule 2 (Professions Regulated by Law or Public Authority) designates WAMITAB as the authority for certified technically competent persons.

- (b) dismantling motor vehicles; or
- (c) the burial of dead domestic pets.”.

Transitional provision

5. In regulation 5, the following paragraph is added at the end—

“(8) Where—

- (a) a person was technically competent for the purposes of section 74(3)(b) of the 1990 Act in relation to a description of facility immediately prior to the coming into force of the Waste Management Licensing (Amendment) (England) Regulations 2003 (“the 2003 Regulations”) (whether or not the management of a facility of that description was in the hands of that person at that time); and
- (b) that person would, in order to manage a facility of that description, be required to obtain a new certificate in order to remain technically competent in relation thereto as a result of the 2003 Regulations,

then, until the expiry of two years commencing on the coming into force of the 2003 Regulations that person shall be treated as technically competent in relation to a facility of that description for the purposes of section 74(3)(b) of the 1990 Act.”.

Insertion of Schedule 1A – Certificates of Technical Competence

6. There is inserted into the Waste Management Licensing Regulations 1994 after Schedule 1 the schedule set out in the Schedule to these Regulations.

9th March 2003

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Affairs