
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations make provision for the qualifications to be required of a person to manage activities authorised by a waste management licence if the holder of the licence is to be considered a fit and proper person pursuant to section 74 of the Environmental Protection Act 1990 (c. 43).

The qualifications recognised for the purposes of section 74 are treated by regulation 4(5)(b) of the Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I. 2000/1973) as those recognised for the purposes of permits for a waste management activity granted pursuant to those Regulations. These permits include landfill permits granted pursuant to the Landfill (England and Wales) Regulations 2002 (S.I. 2002/1559).

Qualifications are granted by the Waste Management Industry Training and Advisory Board (WAMITAB), Peterbridge House, 3 The Lakes, Northampton, NN4 7HE (Tel: 01604 231950, Fax: 01604 232457, Email: info.admin@wamitab.org.uk, website www.wamitab.org.uk).

These Regulations replace regulation 4 (technical competence) of the Waste Management Licensing Regulations 1994 (S.I. 1994/1056 (“the principal Regulations”), as amended in relation to Great Britain by S.I. 1996/972 and England and Wales by S.I. 2000/1973) thereby giving recognition to changes in the system of WAMITAB certificates with effect from 1st April 2003 (regulation 4).

A new paragraph (8) is added to regulation 5 (transitional provisions) of the principal Regulations (regulation 5). This enables a person who is, immediately before these Regulations come into force, technically competent in relation to a description of facility (whether or not that person manages a facility of that description at the time) to remain technically competent in relation to facilities of that description for two years following the coming into force of these Regulations.

A new Schedule 1A to the principal Regulations is introduced, setting out the facilities for the management of which WAMITAB certificates are required and the appropriate range of certificates for each type of facility (regulation 6 and the Schedule).

There is a drafting amendment to regulation 1(3) of S.I. 1994/1056; a definition of “scrap metal dealer” is provided (regulation 3).