
STATUTORY INSTRUMENTS

2009 No. 890

The Waste Batteries and Accumulators Regulations 2009

PART 7

DISPOSAL, TREATMENT AND RECYCLING

Suspension and cancellation of approval

64.—(1) The appropriate authority may suspend or cancel the approval of a battery treatment operator or exporter where it appears to it that the person who is approved has failed, or is likely to fail, to comply with any of the conditions specified in Part 2 of Schedule 4.

(2) The appropriate authority may suspend or cancel the approval of a battery treatment operator or exporter to the extent that it relates to the issuing of batteries evidence notes where it appears to it that the person who is approved has failed, or is likely to fail to comply with any of the conditions in—

- (a) in the case of an approved battery treatment operator, Part 3 of Schedule 4;
- (b) in the case of an approved battery exporter, Part 4 of Schedule 4.

(3) Where—

- (a) an approved battery treatment operator is approved in relation to two or more specified sites; or
- (b) an approved battery exporter is approved in relation to two or more sites outside the United Kingdom,

the appropriate authority may limit a suspension or cancellation under paragraph (1) or (2) to one or more of those sites.

(4) Where the appropriate authority is no longer satisfied that the minimum treatment requirements set out in paragraph 10(3)(b) of Schedule 4 or that the requirements as to minimum recycling efficiencies set out in paragraph 10(3)(c) of that Schedule are met in relation to waste batteries exported to a site outside the EEA, the appropriate authority must cancel the approval of an exporter to the extent that it relates to that site.

(5) Where the appropriate authority suspends or cancels a grant of approval under paragraph (1) or (2) or cancels the approval of an exporter to the extent that it relates to a site under paragraph (4) it must serve on the battery treatment operator or exporter concerned a notification in writing stating—

- (a) its decision to suspend or cancel (as the case may be) the grant of approval;
- (b) the extent of the suspension or cancellation (as the case may be);
- (c) its reasons for the decision;
- (d) the right of appeal under Part 11;
- (e) in the case of a cancellation, the date when the cancellation will take effect, not being earlier than the expiration of the time limit for an appeal against the notice; and
- (f) in the case of a suspension—

- (i) the date when the suspension will take effect, not being earlier than the date of receipt of the notification;
 - (ii) the period of the suspension; and
 - (iii) any steps which are required to be taken in order to bring the suspension to an end.
- (6) Where an appeal against a decision to suspend or cancel the approval of a battery treatment operator or exporter is pending—
 - (a) a decision to cancel the approval of a battery treatment operator or an exporter will not take effect until the appeal is disposed of and—
 - (i) if the appeal is dismissed or withdrawn, the decision will take effect from the end of the day on which the appeal is dismissed or withdrawn; and
 - (ii) if the appeal body determines that the decision of the appropriate authority must be altered, the decision will not take effect until the appropriate authority gives effect to the determination;
 - (b) a decision to suspend approval of a battery treatment operator or an exporter will remain in force.
- (7) The approval of a battery treatment operator or exporter ceases to have effect—
 - (a) on the date on which that person ceases to be a battery treatment operator or an exporter (as the case may be);
 - (b) if that person requests that its approval should be cancelled, with effect from the date of cancellation that person specifies.
- (8) Where approval is suspended or cancelled under this regulation the appropriate authority is not under a duty to refund the whole or any part of the treatment, recycling and export application charge or the extension of approval charge.