

2010 No. 1095

ENVIRONMENTAL PROTECTION

**The End-of-Life Vehicles (Producer Responsibility)
(Amendment) Regulations 2010**

<i>Made</i>	- - - -	<i>29th March 2010</i>
<i>Laid before Parliament</i>		<i>31st March 2010</i>
<i>Coming into force</i>	- -	<i>1st July 2010</i>

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in respect of matters relating to the prevention of waste from vehicles and forms of recovery of end-of-life vehicles and their components.

The Secretary of State, in exercise of the powers conferred by section 2(2) of that Act, makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the End-of-Life Vehicles (Producer Responsibility) (Amendment) Regulations 2010 and shall come into force on 1st July 2010.

Amendments to the End-of-Life Vehicles (Producer Responsibility) Regulations 2005

2.—(1) The End-of-Life Vehicles (Producer Responsibility) Regulations 2005(c) are amended as follows.

(2) In regulation 8(3), for the words “paragraph (2)” substitute “paragraph (1)”.

(3) In regulation 16(a), for the words “and (3)” substitute “, (3) and (9)”.

(4) In regulation 18(5), for the words “1st April each” substitute “1st July each” and after the words “preceding year” add “in the format published by the Secretary of State”.

(5) In regulation 18, after paragraph 5 insert—

“(6) The Secretary of State shall publish the format in which the details referred to in regulation 18(5) are to be submitted.”.

(6) In regulation 19(2), for the words “before 1st April” substitute “by 1st July”.

(7) In regulation 19, after paragraph (3) insert—

“(4) Where a person is under an obligation to send a certificate of compliance to the Secretary of State under this regulation, that certificate shall be submitted by—

(a) S.I. 2001/3495.

(b) 1972 c.68. Under section 57 of the Scotland Act 1998 (c.46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Community law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by the Secretary of State as regards Scotland.

(c) S.I. 2005/263.

- (a) where that person is an individual, that individual;
- (b) where that person is a partnership, a partner; and
- (c) where that person is a company, a director of that company.”.

(8) Regulation 20 shall be omitted.

(9) In regulation 23, for the words “A producer who fails to comply with any or all of the requirements of regulations— (a) 7(1), (2), (3), (4) or (9)” substitute—

“(1) A producer who fails to comply with any or all of the requirements of regulations—

- (a) 7(1), (2), (3) or (9)”.

(10) In paragraph (d) of Schedule 4, for the words “regulation 20” substitute “regulation 19”.

29th March 2010

Ian Lucas
Minister for Business and Regulatory Reform
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the End-of-Life Vehicles (Producer Responsibility) Regulations 2005 (S.I. 2005/263) (“the 2005 Regulations”). The 2005 Regulations partially implement Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (OJ No L 269, 21.10.2000, p. 34).

Regulation 2(2) and (10) correct errors in regulation 8(3) of, and Schedule 4 to, the 2005 Regulations, respectively.

Regulation 2(3) extends the application of regulation 16(a) of the 2005 Regulations to provide that a compliance notice may be served on a producer where the Secretary of State has reasonable grounds for believing that any or all of the requirements of regulation 7(9) of the 2005 Regulations have not been complied with.

Regulation 2(4) amends regulation 18(5) of the 2005 Regulations to provide that the information required under that regulation shall be submitted by 1st July each year and in a format published by the Secretary of State.

Regulation 2(5) inserts a new paragraph (6) into regulation 18 of the 2005 Regulations to provide that the Secretary of State will publish the format in which the details referred to in regulation 18(5) of those Regulations are to be submitted.

Regulation 2(6) amends regulation 19(2) of the 2005 Regulations to provide that a certificate of compliance shall be sent to the Secretary of State by 1st July each year.

Regulation 2(7) amends regulation 19 of the 2005 Regulations to provide that where a producer or an owner or operator of an authorised treatment facility is obliged to send a certificate of compliance to the Secretary of State under that regulation, the certificate must be submitted on behalf of that producer, owner or operator by a specified individual.

Regulation 2(8) removes the power in regulation 20 of the 2005 Regulations for the Secretary of State to approve each person who is authorised to submit a certificate under regulation 19.

Regulation 2(9) amends regulation 23 of the 2005 Regulations to provide that it shall cease to be an offence for a producer to fail to comply with all of the requirements of regulation 7(4) of the 2005 Regulations. Regulation 7(4) provides that an application by a producer to register must be made in writing and contain at least the information set out in Schedule 1 to the 2005 Regulations. It continues to be an offence, by virtue of regulation 23 of the 2005 Regulations, for a producer to fail to make an application for registration to the Secretary of State under regulation 7 of those Regulations.

An Impact Assessment in respect of these Regulations is available and a copy can be obtained from the Department for Business, Innovation and Skills, 1 Victoria Street, London, SW1H 0ET. A copy has been placed in the libraries of both Houses of Parliament and is also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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STATUTORY INSTRUMENTS

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