
STATUTORY INSTRUMENTS

2014 No. 1771

**The Waste Electrical and Electronic Equipment and Restriction
of the Use of Certain Hazardous Substances in Electrical
and Electronic Equipment (Amendment) Regulations 2014**

Citation commencement and application

1. These Regulations—

- (a) may be cited as the Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2014; and
- (b) come into force on 25th July 2014.

Amendments to the Waste Electrical and Electronic Equipment Regulations 2013

2.—(1) The Waste Electrical and Electronic Equipment Regulations 2013⁽¹⁾ are amended as follows.

(2) In regulations 16(2)(d)(iii), 55(4)(c)(ii), 57(f)(ii), 61(1)(c)(ii) and 62(1)(c)(ii) for “The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006” substitute “The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2014⁽²⁾”.

(3) In regulation 33 (payment of a compliance fee) for the definition of “D” in paragraph (2) substitute—

““D” is the total amount in tonnes of WEEE from private households that has been financed by the scheme in the relevant category during the compliance period used in “C”.”.

(4) In regulation 37 (reporting: EEE placed on the market during the transitional period) for paragraph 2(c) substitute—

- “(c) for each category of EEE referred to in sub-paragraph (b), specify the amount in tonnes of—
 - (i) EEE intended for use by private households; and
 - (ii) EEE intended for use by users other than private households;”.

(5) In regulation 38 (reporting: EEE placed on the market from 1st January 2019) for paragraph (2)(c) substitute—

- “(c) for each category of EEE referred to in sub-paragraph (b), specify the amount in tonnes of—
 - (i) EEE intended for use by private households; and
 - (ii) EEE intended for use by users other than private households.”.

(6) For regulation 51 (prohibition on showing the costs of financing the collection, treatment and environmentally sound disposal of WEEE from private households) substitute—

(1) S.I. 2013/3113.
(2) S.R. (NI) 2014 No. 202.

“A person must not show a purchaser at the time of sale of new EEE the costs of financing the collection, treatment and environmentally sound disposal of WEEE from private households.”

(7) In regulation 53 (notification of an intention to retain WEEE falling within certain WEEE streams)—

(a) for paragraph (1) substitute—

“(1) Where the operator of a designated collection facility is a local authority, that operator may retain WEEE in any compliance period, which—

(a) falls within one of the six WEEE collection streams; and

(b) has been deposited for collection at a designated collection facility that he operates”; and

(b) for paragraph 2(d) substitute—

“(d) provide data relating to the tonnage of WEEE deposited at the designated collection facility in the compliance period before the compliance period during which the operator intends to retain WEEE in relation to each of the six WEEE collection streams that the operator intends to retain; and”.

(8) In regulation 61 (application for approval) for paragraph (3)(b)(iii) substitute—

“(iii) the applicant must comply with the conditions referred to in regulation 63(2); and”.

(9) In regulation 69 (take back: application to use existing collection facilities) for paragraph (1) substitute—

“(1) Where a distributor to whom regulation 42(2) applies, does not provide in-store take back and has not joined a distributor take back scheme approved by the Secretary of State under regulation 68, he must—

(a) comply with all the obligations which a take back scheme must discharge on behalf of its members; or

(b) submit an application to the Secretary of State requesting to use existing take back facilities.”.

(10) In regulation 75 (duties of the appropriate authority in relation to registration of small producers) in paragraphs (1)(c) and (3) for the words “regulation 79” substitute “regulation 77”.

(11) In regulation 76 (approval of compliance fee: methodology and administration) for paragraph (3) substitute—

“(3) The Secretary of State must publish the methodology for the calculation of a compliance fee where one has been approved in accordance with paragraph (1).”.

(12) In regulation 78 (monitoring) for paragraph (g) substitute—

“(g) the accuracy of the information provided by operators of schemes in support of or in connection with an application for approval under regulation 55, together with any changes notified in accordance with regulation 57(e);”.

(13) In regulation 81 (Approval of authorised treatment facilities and exporters) in paragraph (1) for the words “will be under a duty to” substitute “must”.

(14) In regulation 88 (Enforcement notice) for paragraph (1) substitute—

“(1) Where an enforcement authority has reasonable grounds for suspecting that any of the requirements of the following regulations have not been complied with—

(a) regulations 11 to 24;

(b) regulations 25 to 41 and 57;

(c) regulations 42, 44 and 45, and;

(d) regulations 54, 61, 63, 66 and 67;

it may serve an enforcement notice on—

- (i) in a case under sub-paragraph (a), the producer or an authorised representative,
- (ii) in a case under sub-paragraph (b), the operator of the scheme,
- (iii) in a case under sub-paragraph (c), the distributor, and
- (iv) in a case under sub-paragraph (d), the operator of the AATF or approved exporter (as the case may be).”

(15) For regulation 91 (Penalties) substitute—

“**91.**—(1) A person who is guilty of an offence under regulation 90(1), (3), (5), (7) or (8) will be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(2) A person who is guilty of an offence under regulation 82(6), 89(10) or 90 (2), (4), (6), (9), (10), (11), (12), (13) or (15) will be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

(16) In schedule 12, paragraphs (5) and (6) are deleted.

Substitution of the word ‘will’ for the word ‘must’

3.—(1) The Waste Electrical and Electronic Equipment Regulations 2013 are amended as follows.

(2) In the regulations, schedule and part of a schedule set out in Schedule 1 to these Regulations for every use of the word ‘will’ substitute the word ‘must’.

(3) In the regulations set out in schedule 2 to these Regulations, substitute the word ‘will’ for ‘must;’ as set out in column 3 of that schedule.

Amendments to the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012

4.—(1) The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(3) are amended as follows.

(2) In regulation 23, for paragraph (b)(iii) substitute—

“(iii) complied with regulation 18 (information identifying EEE and manufacturer).”

(3) In regulation 23, delete paragraph (b)(iv).

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Michael Fallon
Parliamentary Under Secretary of State for
Business, Innovation and Skills
Department for Business, Innovation and Skills