



Regulatory Reform (Scotland) Act 2014

2014 asp 3

PART 3

ENVIRONMENTAL REGULATION

CHAPTER 4

MISCELLANEOUS

Authorisations relating to waste management: offences by partnerships

47 Carriers of controlled waste: offences by partnerships affecting registration

In section 3(5) of the Control of Pollution (Amendment) Act 1989 (restrictions on powers under section 2)—

- (a) after paragraph (a), insert—
 - “(aa) a partnership has been convicted of a prescribed offence committed at a time when the applicant or registered carrier was a member of that partnership;”,
- (b) the word “or” immediately following paragraph (b) is repealed,
- (c) after paragraph (b), insert—
 - “(ba) where the applicant or registered carrier is a partnership, a person who is a member of that partnership—
 - (i) has been convicted of a prescribed offence;
 - (ii) was a member of another partnership at a time when a prescribed offence of which that other partnership has been convicted was committed; or
 - (iii) was a director, manager, secretary, or other similar officer of a body corporate at a time when a prescribed offence of which that body corporate has been convicted was committed; or”,
- (d) in paragraph (c)—
 - (i) the word “or” immediately following sub-paragraph (i) is repealed,

Status: This is the original version (as it was originally enacted).

(ii) after sub-paragraph (i), insert—

“(ia) was a member of a partnership at a time when a prescribed offence of which that partnership has been convicted was committed; or”,

(iii) in sub-paragraph (ii), for the word “for” substitute “of”.

48 Waste management licences: offences by partnerships

In section 74(7) of the Environmental Protection Act 1990 (meaning of “fit and proper person”)—

(a) after paragraph (a), insert—

“(aa) a partnership has been convicted of a relevant offence committed when the holder or, as the case may be, proposed holder of the licence was a member of that partnership;”,

(b) the word “or” immediately following paragraph (b) is repealed,

(c) after paragraph (b), insert—

“(ba) where the holder or, as the case may be, proposed holder of the licence is a partnership, a person who is a member of that partnership—

(i) has been convicted of a relevant offence;

(ii) was a member of another partnership at a time when a relevant offence of which that other partnership has been convicted was committed; or

(iii) was a director, manager, secretary, or other similar officer of a body corporate at a time when a relevant offence of which that body corporate has been convicted was committed; or”,

(d) in paragraph (c)—

(i) the word “or” immediately following sub-paragraph (i) is repealed,

(ii) after sub-paragraph (i), insert—

“(ia) was a member of a partnership at a time when a relevant offence of which that partnership has been convicted was committed; or”,

(iii) in sub-paragraph (ii), for the word “for” substitute “of”.