
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2013 No.

The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

PART 2

PERMITS

Transfer of permits

20.—(1) Where the operator of an installation or mobile plant wishes to transfer their permit, in whole or in part, to another person (“the proposed transferee”) the operator and the proposed transferee shall jointly make an application to the enforcing authority to effect the transfer.

(2) An application under paragraph (1) shall be accompanied by the permit and any fee prescribed in respect of the transfer under regulation 25 and shall contain—

- (a) the operator’s and the proposed transferee’s telephone number and address and, if different, any address to which correspondence relating to the application should be sent; and
- (b) in the case of an application to effect the transfer of a permit or part of a permit that authorises the carrying out of a specified waste management activity, any information which the applicants wish the chief inspector to take into account when considering whether the transferee is a fit and proper person to carry out that activity.

(3) Where the operator wishes to retain part of their permit (a “partial transfer”), an application under paragraph (1) shall—

- (a) identify the installation or mobile plant to which the transfer applies (the “transferred unit”); and
- (b) where the transfer applies to the operation of an installation or Part A mobile plant, contain a map or plan identifying the part of the site used for the operation of that installation or mobile plant (the “identified part of the site”).

(4) Subject to paragraph (5), the enforcing authority shall effect the transfer unless it considers that the proposed transferee will not be the person who will have control over the operation of the installation or mobile plant covered by the transfer after the transfer is effected or will not ensure compliance with the conditions of the transferred permit.

(5) In the case of an application to effect the transfer of a permit or part of a permit which authorises the carrying out of a specified waste management activity, the chief inspector shall only effect the transfer if the chief inspector is satisfied that the proposed transferee is a fit and proper person to carry out that activity.

(6) The enforcing authority shall effect a transfer under this regulation by—

- (a) in the case of a partial transfer—
 - (i) issuing a new permit, to the proposed transferee for that part of the installation or mobile plant to which the transfer relates; and

- (ii) returning the original permit to the operator, endorsed to record the transfer in respect of the transfer and any variation of the permit conditions; or
- (b) in the case of a transfer of the whole permit, causing the permit to be endorsed with the name and other particulars of the proposed transferee as the operator of the installation or mobile plant concerned,

and the transfer shall take effect from such date as may be agreed with the applicants and specified in the endorsement and, in the case of a partial transfer, the new permit.

(7) In the case of a partial transfer effected under this regulation, the conditions included in the new permit and original permit after the transfer shall be the same as the conditions included in the original permit immediately before the transfer in so far as they are relevant to any installation, site and mobile plant covered by the new permit or the original permit, but subject to such variations as, in the opinion of the enforcing authority, are necessary to take account of the transfer.

(8) If within the period of two months beginning with the date on which the enforcing authority receives an application under paragraph (1), or within such longer period as the enforcing authority and the applicants may agree in writing, the enforcing authority has neither effected the transfer nor given notice in writing to the applicants that it has rejected the application, the application shall, if the applicants notify the enforcing authority in writing that they treat the failure as such, be deemed to have been refused at the end of that period or that longer period.

(9) The enforcing authority may, by notice in writing, require the operator or the proposed transferee to furnish such further information specified in the notice, within the period so specified, as the enforcing authority may require for the purpose of determining an application under this regulation.

- (10) Where a notice is served on an operator or proposed transferee under paragraph (9)—
- (a) for the purpose of calculating the period of two months specified in paragraph (8), no account shall be taken of the period beginning with the date on which notice is served and ending on the date on which the information specified in the notice is furnished; and
 - (b) if the specified information is not furnished within the period specified, the application shall, if the enforcing authority gives notice in writing to the operator and proposed transferee that it treats the failure as such, be deemed to have been withdrawn at the end of that period.