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STATUTORY INSTRUMENTS

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**1994 No. 1056**

**The Waste Management Licensing Regulations 1994**

**Technical competence-transitional provisions**

5.—(1) Where before 10th August 1994 a person has applied to the Waste Management Industry Training and Advisory Board for a certificate of technical competence and at any time in the 12 months ending on that date he acted as the manager of a facility of a type listed in Table 1 above for which the certificate is a relevant certificate, then, until 10th August 1999, regulation 4 shall not apply to him in relation to either—

- (a) any facility of that type; or
- (b) a facility of any other type if—
  - (i) the certificate is a relevant certificate for that other type of facility; and
  - (ii) the entry for that other type of facility appears, in Table 1 above, after the entry in that Table for the type of facility in respect of which he acted as the manager,and he shall be treated as technically competent for the purposes of section 74(3)(b) of the 1990 Act in relation to any such facility.

(2) Where a person is 55 or over on 10th August 1994 and in the 10 years ending on that date he has had at least 5 years experience as the manager of a facility of a type listed in Table 1 above, then, until 10th August 2004, regulation 4 shall not apply to him in relation to either—

- (a) any facility of that type; or
- (b) a facility of any other type if each certificate which is a relevant certificate for the type of facility in relation to which he has had such experience as manager is also a relevant certificate for that other type of facility,

and he shall be treated as technically competent for the purposes of section 74(3)(b) of the 1990 Act in relation to any such facility.

(3) A person shall be treated as the manager of a facility for the purposes of paragraph (1) or (2) above if at the relevant time he was the manager of activities which were carried on at that facility and which were authorised by a disposal licence under section 5 of the Control of Pollution Act 1974, a resolution under section 11 of that Act or under section 54 of the 1990 Act, or a waste management licence.