

SCHEDULE 5

REGISTRATION OF BROKERS OF CONTROLLED WASTE

PART I

GENERAL

Appeals

6.—(1) Where a person has applied to a waste regulation authority to be registered as a broker of controlled waste in accordance with paragraph 3, he may appeal to the Secretary of State if—

- (a) his application is refused; or
- (b) the relevant period from the making of the application has expired without his having been registered.

(2) A person whose registration as a broker of controlled waste has been revoked may appeal against the revocation to the Secretary of State.

(3) Notice of an appeal to the Secretary of State under sub-paragraph (1) or (2) above shall be given by the appellants to the Secretary of State.

(4) The notice of appeal shall be accompanied by the following—

- (a) a statement of the grounds of appeal;
- (b) in the case of an appeal under sub-paragraph (1) above, a copy of the relevant application;
- (c) in the case of an appeal under sub-paragraph (2) above, a copy of the appellants' entry in the register;
- (d) a copy of any relevant correspondence between the appellants and the waste regulation authority;
- (e) a copy of any notice given to the appellants under paragraph 3(14) or 5(2);
- (f) a statement indicating whether the appellants wish the appeal to be in the form of a hearing or to be determined on the basis of written representations.

(5) The appellants shall at the same time as giving notice of appeal to the Secretary of State serve on the waste regulation authority a copy of the notice and a copy of the documents referred to in sub-paragraph (4)(a) and (f) above.

(6) Notice of appeal is to be given before the expiry of the period of 28 days beginning with—

- (a) in the case of an appeal under sub-paragraph (1)(a) above, the date on which the appellants is given notice by the waste regulation authority that his application has been refused;
- (b) in the case of an appeal under sub-paragraph (1)(b) above, the date on which the relevant period from the making of the application expired without the appellants having been registered; or
- (c) in the case of an appeal under sub-paragraph (2) above, the date on which the appellants is given notice by the waste regulation authority that his registration as a broker of controlled waste has been revoked,

or before such later date as the Secretary of State may at any time allow.

(7) If either party to an appeal requests a hearing or the Secretary of State so decides, the appeal shall be or continue in the form of a hearing before a person appointed for the purpose by the Secretary of State.

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(8) The person holding such a hearing shall after its conclusion make a written report to the Secretary of State which shall include his conclusions and recommendations or his reasons for not making any recommendations.

(9) On an appeal under this paragraph the Secretary of State may, as he thinks fit, either dismiss the appeal or give the waste regulation authority in question a direction to register the appellant or, as the case may be, to cancel the revocation.

(10) The Secretary of State shall—

(a) notify the appellant in writing of his determination of the appeal and of his reasons for it and, if a hearing is held, shall also provide him with a copy of the report of the person who conducted the hearing; and

(b) at the same time send a copy of those documents to the waste regulation authority.

(11) Where on an appeal made by virtue of sub-paragraph (1)(b) above the Secretary of State dismisses an appeal, he shall direct the waste regulation authority in question not to register the appellant.

(12) It shall be the duty of a waste regulation authority to comply with any direction under this paragraph.