

SCHEDULE 9

Regulation 29

REGISTERS

1. A register maintained by a regulator under regulation 29 shall contain—
 - (a) all particulars of any application made to the regulator for a permit;
 - (b) all particulars of any notice to the applicant by the regulator under paragraph 4 of Schedule 4 and paragraph 3 of Schedule 7 and of any information furnished in response to such a notice;
 - (c) all particulars of any advertisement published pursuant to paragraph 5 of Schedule 4 or paragraph 4(8) of Schedule 7 and of any representations made by any person in response to such an advertisement, other than representations which the person who made them requested should not be placed in the register;
 - (d) in a case where any such representations are omitted from the register at the request of the person who made them, a statement by the regulator that representations have been made which have been the subject of such a request (but such statement shall not identify the person who made the representations in question);
 - (e) all particulars of any representations made by any person required to be given notice under paragraph 9 of Schedule 4 or paragraph 4(5)(c) of Schedule 7;
 - (f) all particulars of any permit granted by the regulator;
 - (g) all particulars of any notification of the regulator given under regulation 16(1);
 - (h) all particulars of any application made to the regulator for the variation, transfer or surrender of a permit;
 - (i) all particulars of any variation, transfer and surrender of any permit granted by the regulator;
 - (j) all particulars of any revocation of a permit granted by the regulator;
 - (k) all particulars of any enforcement notice or suspension notice issued by the regulator;
 - (l) all particulars of any notice issued by the regulator withdrawing an enforcement notice or a suspension notice;
 - (m) all particulars of any notice of appeal under regulation 27 against a decision by the regulator or a notice served by the regulator and of the documents relating to the appeal mentioned in paragraph 1(2)(a), (d) and (e) of Schedule 8;
 - (n) all particulars of any representations made by any person in response to a notice given under paragraph 3(1) of Schedule 8, other than representations which the person who made them requested should not be placed in the register;
 - (o) in a case where any such representations are omitted from the register at the request of the person who made them, a statement by the regulator that representations have been made which have been the subject of such a request (but such statement shall not identify the person who made the representations in question);
 - (p) all particulars of any written notification of the Secretary of State's determination of such an appeal and any report accompanying any such written notification;
 - (q) details of any conviction of or formal caution given to any person for any offence under regulation 32(1) which relates to the operation of an installation or mobile plant under a permit granted by the regulator, or without such a permit in circumstances where one is required by regulation 9, including the name of the person, the date of conviction or formal caution, and, in the case of a conviction, the penalty imposed and the name of the Court;

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

- (r) all particulars of any monitoring information relating to the operation of an installation or mobile plant under a permit granted by the regulator which has been obtained by the regulator as a result of its own monitoring or furnished to the regulator in writing by virtue of a condition of the permit or under regulation 28(2);
- (s) in a case where any such monitoring information is omitted from the register by virtue of regulation 31, a statement by the regulator, based on the monitoring information from time to time obtained by or furnished to them, indicating whether or not there has been compliance with any relevant condition of the permit;
- (t) all particulars of any other information furnished to the authority in compliance with a condition of the permit, a variation notice, enforcement notice or suspension notice, or regulation 28(2);
- (u) where a permit granted by the regulator authorises the carrying out a specified waste management activity, all particulars of any waste management licence (within the meaning of regulation 19(13)) which ceased to have effect on the granting of the permit in so far as they may be relevant for the purpose of determining under regulation 19 whether any pollution risk results from the carrying out of such an activity on the site covered by the permit;
- (v) all particulars of any report published by a regulator relating to an assessment of the environmental consequences of the operation of an installation in the locality of premises where the installation is operated under a permit granted by the regulator; and
- (w) all particulars of any direction (other than a direction under regulation 30(2)) given to the regulator by the Secretary of State under any provision of these Regulations.

2. Where an application is withdrawn by the applicant at any time before it is determined, all particulars relating to that application which are already in the register shall be removed from the register not less than two months and not more than three months after the date of withdrawal of the application, and no further particulars relating to that application shall be entered in the register.

3. Where, following the amendment of Schedule 1, these Regulations cease to apply to a description of installation or mobile plant, all particulars relating to installations or mobile plant of that description shall be removed from the register not less than two months and not more than three months after the date on which the amendment comes into force.

4. Nothing in paragraph 1 shall require a regulator to keep in a register maintained by it—

- (a) monitoring information relating to a particular installation or a mobile plant four years after that information was entered in the register; or
- (b) information relating to a particular installation or mobile plant which has been superseded by later information relating to that installation or mobile plant four years after that later information was entered in the register,

but this paragraph shall not apply to any aggregated monitoring data relating to overall emissions of any substance or class of substance from installations or mobile plant generally or from any class of installations or mobile plant.

5. Any details of a formal caution included in a register pursuant to paragraph 1(q) shall be removed from the register after five years have elapsed since the date on which the caution was given.