

STATUTORY INSTRUMENTS

2015 No. 168

The Ozone-Depleting Substances Regulations 2015

PART 2

Qualifications

Meaning of “competent” **E+S+N.I.**

4.—^[F1](1) For the purposes of this Part of these Regulations—

- (a) a person is competent to carry out relevant work whilst performing a task specified in column 1 of the Table in Schedule 2 in respect of the equipment specified in the corresponding entry in column 2 of that Table if that person has obtained any of the qualifications specified in the corresponding entry in column 3 of that Table ^[F2], or has obtained the equivalent of those qualifications in a specified state];
- (b) a person is competent to carry out any other relevant work to which paragraph (a) does not apply if that person has obtained an in-house qualification in respect of that other relevant work;
- ^[F3](c) a person is competent to carry out work with methyl bromide if that person has—
 - (i) obtained the British Pest Control Association Certificate of Proficiency for Fumigation Operators and successfully completed the British Pest Control Association module referred to in the list in Schedule 3 which relates to the work in question; or
 - (ii) obtained an equivalent certificate, and successfully completed an equivalent module, in a specified state.]

^[F4](2) For the purposes of this regulation, a “specified state” means one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.]

Extent Information

- E1** This version of this provision extends to England, Scotland and Northern Ireland only; a separate version has been created for Wales only
- F1** Reg. 4 renumbered as reg. 4(1) (E.S.N.I.) (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 7(2)** (as amended by S.I. 2023/1294, regs. 1, 14(2))
- F2** Words in reg. 4(1)(a) inserted (E.S.N.I.) (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 7(3)(a)** (as amended by S.I. 2023/1294, regs. 1, 14(2))
- F3** Reg. 4(1)(c) substituted (E.S.N.I.) (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 7(3)(b)** (as amended by S.I. 2023/1294, regs. 1, 14(2))

- F4** Reg. 4(2) inserted (E.S.N.I.) (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 7(4)** (as amended by S.I. 2023/1294, regs. 1, 14(2))

Meaning of “competent” **W**

4. For the purposes of this Part of these Regulations—
- (a) a person is competent to carry out relevant work whilst performing a task specified in column 1 of the Table in Schedule 2 in respect of the equipment specified in the corresponding entry in column 2 of that Table if that person has obtained any of the qualifications specified in the corresponding entry in column 3 of that Table [^{F5}, or has obtained the equivalent of those qualifications in an EEA EFTA state];
- (b) a person is competent to carry out any other relevant work to which paragraph (a) does not apply if that person has obtained an in-house qualification in respect of that other relevant work;
- [^{F6}(c) a person is competent to carry out work with methyl bromide if that person has—
- (i) obtained the British Pest Control Association Certificate of Proficiency for Fumigation Operators and successfully completed the British Pest Control Association module referred to in the list in Schedule 3 which relates to the work in question; or
- (ii) obtained an equivalent certificate, and successfully completed an equivalent module, in an EEA EFTA state.]
- [^{F7}(d) For the purposes of this regulation, an “EEA EFTA state” means—
- (i) Norway,
- (ii) Iceland, or
- (iii) Liechtenstein.]

Extent Information

- E2** This version of this provision extends to Wales only; a separate version has been created for England, Scotland and Northern Ireland only
- F5** Words in [reg. 4\(a\)](#) inserted (W.) (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Wales\) \(Amendment etc.\) Regulations 2023 \(S.I. 2023/1294\)](#), reg. 1, **Sch. 3 para. 5(2)(a)**
- F6** [Reg. 4\(c\)](#) substituted (W.) (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Wales\) \(Amendment etc.\) Regulations 2023 \(S.I. 2023/1294\)](#), reg. 1, **Sch. 3 para. 5(2)(b)**
- F7** [Reg. 4\(d\)](#) inserted (W.) (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Wales\) \(Amendment etc.\) Regulations 2023 \(S.I. 2023/1294\)](#), reg. 1, **Sch. 3 para. 5(2)(c)**

Meaning of “relevant work”

5. In this Part, “relevant work” means any work which involves—
- (a) recovering, recycling, reclaiming or destroying controlled substances; or
- (b) preventing or minimising the leakage of controlled substances other than work with methyl bromide.

Qualifications and supervision

6.—(1) Subject to paragraph (5), no person may carry out any relevant work unless that person is competent to do so.

(2) Subject to paragraph (6), no person may carry out work with methyl bromide unless that person is competent to do so.

(3) The employer of a person employed to carry out relevant work must ensure that paragraph (1) is complied with.

(4) The employer of a person employed to carry out work with methyl bromide must ensure that paragraph (2) is complied with.

(5) A person who is not competent to carry out relevant work may carry out such work if the person does so—

- (a) under the supervision of a person who is so competent; and
- (b) with a view to obtaining—
 - (i) a qualification referred to in regulation 4(a); or
 - (ii) an in-house qualification.

(6) A person who is not competent to carry out work with methyl bromide may carry out such work if the person does so under the supervision of a person who is so competent, and—

- (a) with a view to—
 - (i) obtaining the Certificate of Proficiency referred to in regulation 4(c), and
 - (ii) completing any of the modules listed in Schedule 3; or
- (b) if the person has obtained that Certificate of Proficiency, with a view to completing any of the modules listed in Schedule 3.

Training

7.—(1) A training employer must ensure that the course of training which the training employer provides will enable an employee who has been trained to carry out the relevant job satisfactorily.

(2) In respect of each employee trained, a training employer must keep for the required period a record of—

- (a) the name of the employee;
- (b) the training provided;
- (c) the date of the training; and
- (d) the date on which is issued the certificate of competence or other written confirmation that the course of training has been successfully completed.

(3) A training employer must provide a copy of the record referred to in paragraph (2) to the employee in question when requested to do so by that employee during the required period.

(4) In this regulation—

- (a) “relevant job” means relevant work not involving a task specified in column 1 of the Table in Schedule 2 in respect of the equipment specified in the corresponding entry in column 2 of that Table;
- (b) “the required period” means both—
 - (i) the period during which the employee in question undergoes training provided by the training employer, and

- (ii) the period during which the employee is employed by the training employer to carry out a relevant job; and
- (c) “training employer” means an employer who provides training leading to an in-house qualification.

Changes to legislation:

There are currently no known outstanding effects for the The Ozone-Depleting Substances Regulations 2015, PART 2.