
STATUTORY INSTRUMENTS

1994 No. 1056

The Waste Management Licensing Regulations 1994

Registration of brokers

20.—(1) Subject to paragraphs (2) to (4) below, it shall be an offence for an establishment or undertaking after 31st December 1994 to arrange (as dealer or broker) for the disposal or recovery of controlled waste on behalf of another person unless it is a registered broker of controlled waste.

(2) Paragraph (1) above shall not apply in relation to an arrangement under which an establishment or undertaking will itself carry out the disposal or recovery of the waste and either—

- (a) it is authorised to carry out the disposal or recovery of the waste by a waste management licence, an authorisation under Part I of the 1990 Act, a consent under Chapter II of Part III of the Water Resources Act 1991(1) or under Part II of the Control of Pollution Act 1974(2) or a licence under Part II of the Food and Environment Protection Act 1985; or
- (b) the recovery of the waste is covered by an exemption conferred by—
 - (i) regulation 17(1) of, and Schedule 3 to, these Regulations; or
 - (ii) article 3 of the Deposits in the Sea (Exemptions) Order 1985(3).

(3) Paragraph (1) above shall not apply in relation to an arrangement for the disposal or recovery of controlled waste made by a person who is registered as a carrier of controlled waste, or who is registered for the purposes of paragraph 12(1) of Part I of Schedule 4, if as part of the arrangement he transports the waste to or from any place in Great Britain.

(4) Paragraph (1) above shall not apply to an establishment or undertaking which—

- (a) is a charity;
- (b) is a voluntary organisation within the meaning of section 48(11) of the Local Government Act 1985(4) or section 83(2D) of the Local Government (Scotland) Act 1973(5);
- (c) is an authority which is a waste collection authority, waste disposal authority or waste regulation authority; or
- (d) applies before 1st January 1995 in accordance with Schedule 5 for registration as a broker of controlled waste but only whilst its application is pending (and paragraph 1(4) and (5) of Part I of Schedule 5 shall apply for the purpose of determining whether an application is pending).

(5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) Section 157 of the 1990 Act shall apply in relation to an offence under this section as it applies in relation to an offence under that Act.

(7) Schedule 5 (which makes provision for the registration of brokers of controlled waste) shall have effect.

(1) 1991 c. 57.

(2) 1974 c. 40.

(3) S.I.1985/1699.

(4) 1985 c. 51.

(5) 1973 c. 65; section 83(2D) is added by section 3(3) of the Local Government Act 1986 (c. 10).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) Sections 68(3) to (5), 69 and 71(2) and (3) of the 1990 Act (power to appoint inspectors, powers of entry and power to obtain information) shall have effect as if the provisions of this regulation and Schedule 5 were provisions of Part II of that Act.