
STATUTORY INSTRUMENTS

2014 No. 656

The Waste (England and Wales) (Amendment) Regulations 2014

Regulation 29 (procedure for registration)

4. Regulation 29 is amended as follows—

(a) for paragraph (5)(b), substitute—

“(b) the applicant or another relevant person has been convicted of a relevant offence”;

(b) after paragraph (5), insert—

“(5A) A “relevant offence” means an offence under—

- (a) the Scrap Metal Dealers Act 1964⁽¹⁾,
- (b) section 1, 8, 9, 10, 11, 17, 18, 22 or 25 of the Theft Act 1968⁽²⁾, where the offence relates to scrap metal or is an environment-related offence,
- (c) section 170 or 170B of the Customs and Excise Management Act 1979⁽³⁾, where the offence relates to scrap metal,
- (d) section 9 of the Food and Environment Protection Act 1985⁽⁴⁾,
- (e) section 1, 5 or 7 of the Control of Pollution (Amendment) Act 1989⁽⁵⁾,
- (f) section 33, 34 or 34B of the Environmental Protection Act 1990⁽⁶⁾,
- (g) section 85, 202 or 206 of the Water Resources Act 1991⁽⁷⁾,
- (h) the Transfrontier Shipment of Waste Regulations 1994⁽⁸⁾,
- (i) section 110 of the Environment Act 1995⁽⁹⁾,
- (j) the Control of Major Accident Hazards Regulations 1999⁽¹⁰⁾,

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- (1) 1964 c.69. This Act was repealed by section 19(1)(a) of the Scrap Metal Dealers Act 2013 (c.10).
- (2) 1968 c.60. Section 9 was amended the Sexual Offences Act 2003 (c. 42), sections 139 and 140 and Schedule 6, paragraph 17 and Schedule 7. Section 18 was amended by the Fraud Act 2006 (c. 35), section 14(1) and (3) and Schedule 1, paragraph 4 and Schedule 3. Section 25 was also amended by that Act, section 14(1) and Schedule 1, paragraph 8(a).
- (3) 1979 c.2. Section 170B was inserted by the Finance (No 2) Act 1992 (c.48), section 3 and Schedule 2, paragraph 8.
- (4) 1985 c.48.
- (5) Section 1 was amended by the Environmental Protection Act 1990 (c.43), section 162 and paragraph 31 of Schedule 15 and by the Clean Neighbourhoods and Environment Act 2005 (c.16), sections 35 and 107 and Part 4 of Schedule 5. Section 7(3) was amended by the Environmental Protection Act 1990, section 162 and paragraph 31 of Schedule 15 and by the Environment Act 1995 (c.25), section 112 and paragraph 3 of Schedule 19.
- (6) 1990 c.43. Section 33 was amended by S.I. 2005/894, 2006/937, 2007/3538, 2009/1799 and 2010/675 and by the Environment Act 1995 (c. 25) and the Clean Neighbourhoods and Environment Act 2005 (c.16). Section 34 was amended by the Deregulation and Contracting Out Act 1994 (c. 40) and by S.I. 1999/1820, 2000/1973, 2005/2900, 2006/123 and 2007/3538. Section 34B was inserted by the Clean Neighbourhoods and Environment Act 2005 (c. 16) and amended by S.I. 2007/3538.
- (7) 1991 c.57. Section 85 was repealed by S.I. 2010/675, regulation 107 and Schedule 26, Part 1, paragraph 8(2)(a). Section 202 was amended by the Environment Act 1995 (c. 25), section 120, Schedule 22, paragraph 128. Section 206 was also amended by that Act, section 112, Schedule 19, paragraphs 5(2) to 5(5) and by the Water Act 2003 (c. 37), section 101(1), Schedule 7, Part 1, paragraph 11.
- (8) S.I. 1994/1137. These Regulations were revoked by S.I. 2007/1711, regulation 60(1)(a) and (2).
- (9) 1995 c.25.
- (10) S.I. 1999/743, amended by S.I. 2005/1088; there are other amending instruments but none is relevant.

- (k) the Pollution Prevention and Control (England and Wales) Regulations 2000(**11**),
 - (l) Part 1 of the Vehicles (Crimes) Act 2001(**12**),
 - (m) regulation 17(1) of the Landfill (England and Wales) Regulations 2002(**13**),
 - (n) section 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002 (**14**),
 - (o) the Hazardous Waste (England and Wales) Regulations 2005(**15**),
 - (p) the Hazardous Waste (Wales) Regulations 2005(**16**),
 - (q) section 1 of the Fraud Act 2006(**17**), where the offence relates to scrap metal or is an environment-related offence,
 - (r) the Waste Electrical and Electronic Equipment Regulations 2006(**18**),
 - (s) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007(**19**),
 - (t) the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(**20**),
 - (u) the Transfrontier Shipment of Waste Regulations 2007(**21**),
 - (v) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010(**22**),
 - (w) regulation 42 of these Regulations,
 - (x) section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**23**),
 - (y) the Waste Electrical and Electronic Equipment Regulations 2013(**24**),
 - (z) the Scrap Metal Dealers Act 2013(**25**).
- (5B) A relevant offence also includes—
- (a) attempting or conspiring to commit a relevant offence;
 - (b) inciting or aiding, abetting, counselling or procuring the commission of a relevant offence; and
 - (c) an offence under Part 2 of the Serious Crime Act 2007(**26**) (encouraging or assisting crime) committed in relation to a relevant offence.
- (5C) For the purposes of paragraph (5A)—

(11) [S.I. 2000/1973](#). These Regulations were revoked by [S.I. 2007/3538](#), regulation 74(1) and Schedule 22.

(12) 2001 c.3. Part 1 was repealed by section 19(1)(d)(i) of the Scrap Metal Dealers Act 2013.

(13) [S.I. 2002/1559](#). These Regulations were revoked by [S.I. 2007/3538](#), regulation 74(1) and Schedule 22.

(14) 2002 c.29. Sections 327 and 328 were amended by the Serious Organised Crime and Police Act 2005, section 102(1) and (2). Section 330 was amended by section 104(1) of that Act and by [S.I. 2006/308](#) and [2007/3398](#). Sections 331 and 332 were amended by sections 102(1), (6) and (7) and 104(1), (5) and (6) of that Act and by the Crime and Courts Act 2013, section 15(3), Schedule 8, Part 2, paragraphs 108, 130 and 131.

(15) [S.I. 2005/894](#), relevant amending instruments are [S.I. 2007/3476](#) and [S.I. 2011/988](#).

(16) [S.I. 2005/1806 \(W. 138\)](#), amended by [S.I. 2011/971 \(W. 141\)](#); there are other amending instruments but none is relevant.

(17) 2006 c.35.

(18) [S.I. 2006/3289](#). These Regulations were revoked by [S.I. 2013/3113](#), regulation 96(2)

(19) [S.I. 2007/3538](#). Regulation 38 was revoked by [S.I. 2010/675](#), regulation 108(1) and Schedule 27.

(20) [S.I. 2007/871](#), to which there are amendments not relevant to these Regulations.

(21) [S.I. 2007/1711](#), to which there are amendments not relevant to these Regulations.

(22) [S.I. 2010/675](#), to which there are amendments not relevant to these Regulations.

(23) 2012 c.10. Section 146 was repealed by the Scrap Metal Dealers Act 2013, section 19(1)(f).

(24) [S.I. 2013/3113](#).

(25) 2013 c.10.

(26) 2007 c.27.

“environment-related offence” means an offence which relates to the transportation, shipment or transfer of waste, or to the prevention, minimisation or control of pollution of the air, water or land which may give rise to any harm;

“harm” means—

- (a) harm to the health of human beings or other living organisms;
- (b) harm to the quality of the environment;
- (c) offence to the senses of human beings;
- (d) damage to property; or
- (e) impairment of, or interference with, amenities or other legitimate uses of the environment.”;

(c) after paragraph (6), insert—

“(6A) The appropriate body must, on payment of a reasonable charge, provide any person who has been provided with a certificate of registration under paragraph (6) with a copy of the certificate if requested.

(6B) The appropriate body must ensure that any copy is numbered and marked so as to show that it is a copy of the certificate and that it has been provided by the appropriate body under this regulation.”.