

STATUTORY INSTRUMENTS

S.I. No. 402 of 2001

WASTE MANAGEMENT (COLLECTION PERMIT) REGULATIONS, 2001

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S.I. No. 402 of 2001

WASTE MANAGEMENT (COLLECTION PERMIT) REGULATIONS, 2001

The Minister for the Environment and Local Government, in exercise of the powers conferred on him by sections 7, 15, 18, 19, 34, 36 and 50 of the Waste Management Act, 1996 (No. 10 of 1996), hereby makes the following Regulations:-

Citation.

1. These Regulations may be cited as the Waste Management (Collection Permit) Regulations, 2001.

Purpose of Regulations.

2. The purposes for which these Regulations are made include the purpose of giving effect to provisions of -

(a) Council Directive 75/439/EEC of 16 June, 1975 on the disposal of waste, oils, as amended by Council Directive 87/101/EEC of 22 December, 1986¹,

¹ O.J. No. L194 23.25 July, 1975 and O.J. No. L4243.12 February, 1987.

(b) Council Directive 75/442/EEC of 15 July, 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March, 1991²,

² O.J. No. L194 39, 25 July, 1975 and O.J. No. L7832.26 March, 1991.

(c) Council Directive 76/464/EEC of 4 May, 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment³,

³ O.J. No. L129 23, 18 May, 1976.

(d) Council Directive 80/68/EEC of 17 December, 1979 on the protection of groundwater against pollution caused by certain dangerous substances⁴,

⁴ O.J. No. L20 43, 26 January, 1980.

(e) Council Directive 87/217/EEC of 19 March, 1987 on the prevention and reduction of environmental pollution by asbestos⁵,

⁵ O.J. No. L85 40, 28 March, 1987.

(f) Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources⁶.

⁶ O.J. No. L375 1.31 December, 1991.

(g) Council Directive 91/689/EEC of 12 December, 1991 on hazardous waste⁷

⁷ O.J. No. L377 20. 31 December, 1991.

(h) Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste⁸.

⁸ O.J. No. L365 34. 31 December, 1994.

(i) European Parliament and Council Directive 2000/60/EC of 23 October, 2000 establishing a framework for Community action in the field of water policy⁹.

⁹ O.J. No. L327 1. 22 December, 2000.

Interpretation generally.

3. (1) In these Regulations, any reference to a Schedule or article that is not otherwise identified is a reference to a Schedule or article of these Regulations.

(2) In these Regulations, any reference to a sub-article or paragraph that is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.

(3) In these Regulations, save where the context otherwise requires -

"the Act" means the Waste Management Act, 1996 (as amended by the Waste Management (Amendment) Act, 2001);

"activity" means a waste collection activity for the purposes of section 34(1)(a) of the Act;

"application" means an application for a waste collection permit under section 34 of the Act, and "applicant" shall be construed accordingly;

"bring facility" means a facility at which segregated wastes may be deposited by the public in appropriate purpose-built receptacles for the purposes of recovery;

"end-of-life vehicle" means a vehicle which is waste within the meaning of Section 4(1) of the Act;

"nominated authority" means a local authority nominated under paragraph (aa) of section 34(1) of the Act for the purpose specified therein, and "nominating authority" shall be construed accordingly;

"party to an application" means the applicant and any local authority required to be consulted regarding the application in accordance with article 10, and "party" shall be construed accordingly;

"permit" means a waste collection permit for the purposes of section 34 of the Act;

"review of a permit" means a review of a waste collection permit under section 34(6) of the Act;

"waste licence" means a licence for the purpose of section 39(1) of the Act;

"waste oils" means any mineral-based lubrication or industrial oils which have become waste, including used combustion engine oils, gearbox oils, mineral lubricating oils, oils for turbines and hydraulic oils;

"waste permit" means a permit for the purpose of section 39(4) of the Act.

Commencement of permitting of waste collection activities.

4. The 30th day of November 2001 is hereby prescribed for the purposes of section 34(1)(a) of the Act.

Notice of intention to apply for a permit.

5. (1) An applicant shall, within the period of two weeks before the making of an application, publish notice of the intention to make the application in a newspaper circulating in the area or areas in which the activity concerned is or will be carried on.

(2) A notice published pursuant to this article shall -

(a) contain as a heading the words "APPLICATION TO [NAME OF THE RELEVANT LOCAL AUTHORITY] FOR A WASTE COLLECTION PERMIT RELATING TO ACTIVITIES IN [NAME OF RELEVANT LOCAL AUTHORITY AREA or AREAS]",

(b) give the name and the address of the principal place of business of the applicant,

(c) state that an application for a waste collection permit will be made to the relevant local authority within two weeks,

(d) specify the nature of the activity to which the application relates and the local authority area or areas in which the activity is, or will be, carried on, and

(e) state that a copy of the application will be available for inspection or purchase at the principal office of each local authority in whose functional area the activity is or will be carried on, and that any member of the public may, within a period of six weeks of the application being published, make a written submission to the relevant local authority in relation to the said application.

Making of an application.

6. An application shall be made in writing to the principal office of a local authority in whose functional area the waste collection activity is or will be carried on, or a relevant nominated authority, as the case may be.

Contents of an application.

7. (1) An application shall contain the following information -

(a) the name of the applicant.

(b) all trade names used or proposed to be used by the applicant.

(c) the address of the principal place of business of the applicant and, where applicable, the telephone number, telefax number and e-mail address of the applicant,

(d) if the applicant is a partnership, the name and address of each partner,

(e) if the applicant is a body corporate, the address of its registered office and the name and address of any person who is a director, manager, secretary or other similar officer of the body corporate,

(f) the type, estimated quantity and nature of the waste or wastes to be collected, and the nature of the collection activity,

(g) the area or areas in which the waste collection activity will be carried on,

(h) the postal address or location (including relevant map), and ownership details, of any facility that is being or will be used by the applicant in connection with the activity to which the application relates, the nature and purpose of such use, and the

reference number of any relevant waste licence or waste permit granted in respect of the carrying on of a waste activity at such facility, or of any application for such licence or permit,

(i) in the case of waste collection from households, the frequency of collections and the amount of the fees charged to householders for such collection,

(j) the location or postal address of the facility or facilities to which collected waste will be delivered for the purpose of recovery or disposal,

(k) the type and identification mark of each vehicle and the number, type and identification mark of skips and other such receptacles (not including wheeled bins) to be used by the applicant in the course of the activities concerned,

(l) information in relation to any insurance policy maintained by the applicant as respects vehicles used for the purposes of, and liabilities arising from, the activity concerned, including employer's liability and public liability,

(m) information in relation to any offence, prescribed under article 19, of which the applicant has been convicted within the period of ten years prior to the making of the application, including information in relation to the court hearing the case, the nature of the offence and any penalty or requirement imposed by the court, and

(n) information in relation to the terms of any requirement imposed on the applicant by order of a court under sections 57 or 58 of the Act.

(2) (a) The information to be provided under paragraphs (m) and (n) of sub-article (1) shall, in a case where the applicant is a body corporate, include such information in relation to the applicant and to -

(i) each director, manager, secretary or other similar officer of that body corporate, and

(ii) each body corporate in relation to which a director, manager, secretary or other similar officer of the applicant body corporate is, or was at any time during the period of ten years prior to the making of the application, a director, manager, secretary or other similar officer.

(b) The information to be provided under paragraphs (m) and (n) of sub-article (1) shall, in a case where the applicant is a natural person or a partnership, include such information in relation to the applicant and each body corporate in which the person or any partner, as the case may be, is or was at any time during the period of ten years prior to the making of the application, a director, manager, secretary or other officer.

(3) An application shall be accompanied by -

(a) a copy of the page of the newspaper in which the notice in accordance with article 5 has been published,

(b) a statutory declaration, as set out in the First Schedule, signed by -

(i) the applicant or,

(ii) where the applicant is a partnership, each partner, or

(iii) where the applicant is a body corporate, each director, manager, secretary or other similar officer of that body corporate,

(c) a copy of a current Tax Clearance/C2 Certificate issued to the applicant by the Revenue Commissioners.

(d) a copy of a certificate of registration of trade name, where applicable, and

(e) a fee of £950 where the application is made prior to 1 January 2002 and of €1200 where the application is made on or after that date or, in the case of an application in respect of the collection solely of waste oils, a fee of £300 where the

application is made prior to 1 January 2002 and of € 380 where the application is made on or after that date.

(4) Notwithstanding the provisions of sub-article (3)(e), a local authority shall have an absolute discretion to refund or waive all or part of the fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be just and reasonable having regard to the limited scale or nature of the activity concerned.

Procedure on receipt of an application.

8. (1) On receipt of an application, a local authority shall -
(a) stamp the application with the date of receipt,
(b) examine whether the requirements of articles 5 and 7 have been complied with, and

(c) comply with the relevant requirements of article 12 of the Waste Management (Register) Regulations, 1997.

(2) Where -
(a) a period of more than two weeks has elapsed between the publication of a notice pursuant to article 5 and the making of the relevant application, or
(b) it appears to the relevant local authority that the published notice does not comply with article 5 or is, because of its content or for any other reason, misleading or inadequate for the information of the public,

the relevant local authority may, by notice in writing, require the applicant to publish such further notice in such manner, for such period and in such terms as it may specify and to submit to it such evidence as it may specify in relation to compliance with any such requirement.

(3) Where a local authority considers that any of the requirements of article 7 have not been complied with in respect of an application, it shall, as it considers appropriate having regard to the extent of the failure to comply with the said requirements, by notice in writing -

(a) inform the applicant of such failure of compliance and advise that the application cannot be considered by the authority, or

(b) require the applicant, within a period of four weeks from the date of the notice, to take such steps or furnish such further information and particulars, as the local authority considers are necessary for compliance with the said requirements.

(4) Where a local authority serves a notice in accordance with sub-article (3)(b), and the applicant fails to comply with the requirements specified therein, the authority may, by notice in writing, inform the applicant of such failure of compliance and that the application cannot be considered by the authority.

(5) Where a local authority considers that the requirements of articles 5 and 7 have been complied with in respect of an application, it shall send to the applicant an acknowledgement of receipt of the application.

(6) Where a local authority serves a notice in accordance with sub-article (3)(a) or sub-article (4), it shall return to the applicant all documents submitted to the authority in relation to the application.

(7) A local authority shall not serve a notice under sub-article (3) more than six weeks after the receipt of an application.

Further information.

9. (1) Where a local authority receives an application, it may, by notice in writing, require the applicant -

(a) to furnish such further information or particulars relating to the application as it considers necessary to enable it to make a decision in respect of the application, or

(b) to produce such evidence as it may reasonably require in order to verify any information or particulars furnished by the applicant in, or in relation to, the application.

(2) A notice under sub-article (1) shall not be served by a local authority more than six weeks after the latest of the following dates:

(a) the date of receipt by the authority of the application, or

(b) the date of compliance by the applicant with the requirements of a notice under article 8(3)(b).

(3) Where there is a failure or refusal to comply with a requirement under sub-article (1) within four weeks of the date of notice of such requirement, the local authority may, if it thinks fit, make a decision in relation to the application and notify the applicant under section 34(8) of the Act of that decision.

Consultation with other local authorities and the Agency.

10. (1) Where a nominated authority receives an application in respect of an activity which is or will be carried on within the functional area of a relevant nominating authority, it shall notify such other authority, and that notice shall be accompanied by a copy of the said application, including any information and particulars received pursuant to a notice under article 8(3)(b).

(2) A nominated authority, before it gives notice of a decision under article 15, shall have regard to any written submission received from a local authority notified under sub-article (1) within a period of six weeks from the date of such notification.

(3) Where a local authority receives an application in respect of an activity comprising or involving the collection of hazardous waste, it shall notify the Agency, and such notice shall be accompanied by a copy of the said application, including any information and particulars received pursuant to a notice under article 8(3)(b).

(4) A local authority, before it gives notice of a decision under article 15, shall have regard to any written submission received from the Agency within a period of six weeks from the date of a relevant notification under sub-article (3).

Availability and inspection of documents.

11. (1) A local authority shall make an application received under article 6 or 10 (including information and particulars submitted pursuant to a notice under article 8(3)(b)) available for public inspection during office hours at the principal office of the local authority, from as soon as may be after receipt until a decision in respect of the said application is notified under article 15.

(2) For the purpose of sub-article (1), a copy of the application, or any extract therefrom, shall be made available on request during office hours at the principal office of the local authority concerned for purchase at such charge (if any), not exceeding the reasonable cost of making such copies, as the local authority may determine.

Submissions by members of the public.

12. (1) Any member of the public may, within a period of six weeks following the making available for inspection by a local authority of an application, make a written submission to the relevant local authority in relation to the said application.

(2) A local authority may invite any person to make a submission to the authority, within such period as may be specified by the authority, in relation to an application.

(3) A local authority shall, as soon as may be after receipt of a submission under sub-article (1) or (2) -

(i) acknowledge such receipt,
(ii) give a copy thereof to the applicant, and
(iii) where the local authority is a nominated authority, forward a copy of the submission to the nominating authority or authorities concerned.

(4) An applicant may make a submission in writing to the relevant local authority in relation to any submission received under sub-article (3)(ii) within a period of four weeks of its receipt.

Defrayal of or contribution towards, the costs of investigations.

13. (1) A local authority may, by notice in writing, require an applicant or the holder of a permit, as the case may be, to defray or contribute towards -

(a) the cost of any investigations carried out or caused to be carried out by the local authority so as to enable it properly to decide on an application, or
(b) any costs incurred by the local authority for the purpose of ensuring compliance by the holder of a permit with the requirements of the said permit, including the cost of any inspection or investigations carried out or caused to be carried out by the local authority, and the taking and analysis of any sample of waste.

(2) The amount of any payment required under sub-article (1) in respect of an application, taken together with such fee as may be payable under article 7, shall not exceed the costs incurred by the local authority in deciding on the said application.

(3) A person on whom a notice is served under sub-article (1) shall comply with the requirements of the notice within such period, being a period of not less than three weeks, as may be specified in the notice, and in default of such payment,

(i) the local authority concerned may refuse to grant a relevant permit, and
(ii) the amount concerned may be recovered by the local authority concerned as a simple contract debt in any court of competent jurisdiction.

Time for making a decision in relation to an application.

14. (1) Subject to sub-article (2), a local authority shall make a decision in relation to an application for a permit as expeditiously as possible and, in any event, within -

(a) 12 weeks of the date of the said application, or the date of receipt of further information or particulars in accordance with either article 8(3)(b) or article 9, or

(b) 4 weeks of the date of receipt of any submission received under and in accordance with article 12(4),
whichever period is the longest.

(2) (a) Where it appears to a local authority that it would not be possible or appropriate, because of the particular circumstances of an application or because of the number of applications which have been submitted to the authority, to decide on an application within the period referred to in sub-article (1), the local authority shall, by notice in writing served on each party to the application before the expiration of that period, inform such party of the reasons why it would not be possible or appropriate to determine the application within that period and shall specify the date before which the authority intends that the application shall be determined.

(b) Where a notice has been served under paragraph (a), the local authority concerned shall take all such steps as are open to it to ensure that the application is decided upon before the date specified in the notice.

Notice of decision in relation to a waste collection permit.

15. (1) A local authority shall, as soon as may be after making a decision under section 34(3) of the Act in relation to an application, give notice in writing of the decision to the applicant, any other local authority to which notification was made under article 10 and, subject to sub-article (6), to any person who made a submission in relation to the application.

(2) A local authority shall, as soon as may be after making a decision under section 34(6) of the Act to amend conditions attached to, or revoke, a permit it has granted, give notice in writing of the decision and the reasons for the decision to the permit holder and any other local authority concerned.

(3) A notification to an applicant, permit holder or another local authority under sub-article (1) or (2) of a decision to grant, or amend conditions attached to, a permit shall be accompanied by a copy of the permit granted or amended, as the case may be.

(4) A notification under sub-article (1) of a decision to grant a permit (other than a notification to which sub-article (3) refers) shall state that a copy of the permit will be available for inspection or purchase at the principal office of the local authority or authorities concerned, and the said authority or authorities shall arrange accordingly.

(5) A notification under this article to an applicant or permit holder shall include a reference to the right of appeal provided for under section 34(9) of the Act.

(6) For the purpose of sub-article (1), in the case of a submission signed by more than one person, a local authority shall give notice only to the person who forwarded, or appears to the authority to have forwarded, that submission to the said authority.

Conditions necessary to give effect to certain provisions of Community acts.

16. A local authority shall attach to any permit that may be granted by it such conditions as are, in the opinion of that authority, necessary to give effect to the provisions, specified in column (1) of the Second Schedule, of the Community acts specified correspondingly in column (2) of the Schedule, insofar as such provisions are relevant to the waste collection activity concerned.

Conditions regarding the use of skips.

17. (1) A local authority shall attach to any permit that may be granted by it such conditions as it considers necessary relating to the use in a public place of skips and other such receptacles.

(2) For the purposes of sub-article (1), conditions may include a requirement, if not already provided for in any bye-law made under Section 72 of the Roads Act 1993, that such receptacles carry reflectors or are so lighted as to be clearly visible during a period when vehicles are required to be lighted.

Other conditions to be attached to permits.

18. A local authority shall attach to each permit granted by it conditions requiring the permit holder to -

(a) ensure that where waste collected under the permit is transferred to a facility for the purpose of a recovery or disposal activity in respect of which section 39(1) of the Act applies -

(i) there is in force a waste licence or a waste permit in relation to the carrying on of the activity concerned at that facility, or

(ii) an application for such licence or permit has been made to, and is under consideration by, the Agency or relevant local authority and the activity concerned may be lawfully carried on pending a decision in relation to the said application;

(b) notify the authority in relation to any conviction for an offence prescribed under article 19 or any requirement of an order under sections 57 or 58 of the Act, within fourteen days of such conviction or the imposition of such a requirement,

(c) carry or cause to be carried a copy of the said permit at all times on each vehicle which is used for the purposes of the activity to which the permit relates,

(d) maintain specified records and, not later than 28 February in each year, furnish to the local authority or such other authorities as may be specified, in such form as may be specified, summary information in relation to the nature and quantities of wastes collected by the permit holder in the preceding calendar year or part thereof, as the case may be, and delivered to individual facilities or otherwise transferred to other persons for the purpose of recovery or disposal,

(e) take steps to ensure that all, or a specified proportion, of waste collected by the permit holder, or of any class or classes of such waste, is segregated, treated or recovered, in such manner as may be specified, and

(f) notify the authority in advance of any proposal to increase the level of fees charged to householders for waste collection services provided.

Offences for the purpose of section 34(5) of the Act.

19. It is hereby prescribed that, notwithstanding the revocation of any Regulations specified hereunder,

(a) an offence under article 3(2) or 5(4) of the European Communities (Waste) Regulations, 1979,

(b) a contravention of article 5 or 6 of the European Communities (Toxic and Dangerous Waste) Regulations, 1982,

(c) a contravention of article 4, 5 or 8 of the European Communities (Waste Oils) Regulations, 1992,

(d) an offence under article 12 of the European Communities (Transfrontier Shipment of Waste) Regulations, 1994,

(e) a contravention of the Waste Management (Movement of Hazardous Waste) Regulations, 1998,

(f) a contravention of articles 6 or 8 of the Waste Management (Miscellaneous Provisions) Regulations, 1998,

(g) an offence under section 14(6), 32(6), 34(1), 36(3) or 39(9) of the Act,

(h) section 3, 4, 6, 10, 12, 14, 16, 19, 23, 26A, 27 or 28 of the Local Government (Water Pollution) Act, 1977 (No. 1 of 1977),

(i) section 21, 21A or 23 of the Local Government (Water Pollution) (Amendment) Act, 1990 (No. 21 of 1990), or

(j) section 171 or 172 of the Fisheries (Consolidation) Act, 1959
(No. 14 of 1959),

shall be an offence for the purposes of section 34(5)(a) of the
Act.

Criteria for the determination of a relevant person.

20. In determining whether a person shall be a relevant person for the purpose of section 34(5) of the Act, a local authority shall consider the extent to which the person is, or is likely to be, in a position to direct or control the carrying on of the activity to which the relevant application relates.

Review of permits.

21. (1) A local authority shall review a permit granted by it at least once in each period of two years after the date on which the permit was granted or last reviewed, as the case may be.

(2) Where a local authority proposes to review a permit under section 34(6) of the Act, it shall give notice in writing of such intention to the permit holder and to any other local authority concerned.

(3) A notice given under sub-article (2) -

(a) may require the permit holder to furnish such submissions, plans, documents and other information and particulars as the local authority considers necessary for the purpose of the proposed review, and

(b) shall indicate that a submission relating to the proposed review may be made in writing to the local authority within three weeks of the date of the giving of the notice, and that the local authority shall not decide to amend conditions attached to, or to revoke, a permit which it has granted, before the expiry of the said period.

Non-application of section 34(1)(a) of the Act.

22. Section 34(1)(a) of the Act shall not apply in respect of the -

(a) gathering, sorting or mixing of waste

(i) on the premises on which the waste arose; or

(ii) which is carried on in accordance with a waste licence or a waste permit that is for the time being in force,

(b) transport of waste by a person -

(i) where such transport is incidental to the main business activity of the person concerned, and

(ii) the waste is transported in or on a vehicle which has a laden axleweight of less than one tonne, other than a vehicle designed for the carriage of a skip or other demountable container,

(c) transport of specified risk material, or protein or tallow obtained from the rendering of specified risk material, under and in accordance with a licence granted under Regulation 10 of the European Communities (Specified Risk Material) Regulations, 2000 (S.I. No. 332 of 2000),

(d) collection of animal by-products within the meaning of the European Communities (Disposal Processing and Placing on the Market of Animal By-products) Regulations 1994 (S.I. No. 257 of 1994),

(e) collection of packaging waste by a major producer, within the meaning of the Waste Management (Packaging) Regulations, 1997 (S.I. No. 242 of 1997), under and in accordance with article 5 of those Regulations,

(f) collection of farm plastic waste by a producer, within the meaning of the Waste Management (Farm Plastics) Regulations, 2001 (S.I. No. 341 of 2001), under and in accordance with article 4 of those Regulations, and

(g) collection of waste at a bring facility.

Notice regarding nominated authority

23. Where a local authority is nominated under paragraph (aa) of section 34(1) of the Act for the purpose specified therein, that authority shall publish a notice to that effect in a newspaper or newspapers circulating in the functional areas of the local authorities concerned.

Notice and information to the Agency.

24. A local authority shall -

(a) by notice in writing, inform the Agency as soon as may be of any permit granted, amended or revoked by the authority,

(b) forward a copy to the Agency of any permit granted or amended by the authority,

(c) furnish such information in relation to the collection and movement of waste within its functional area or, in the case of a nominated authority, the functional areas of the other local authorities concerned, in such form and at such frequency as may be specified by the Agency for the purpose of this article, and

(d) notify the Agency where a person is convicted on an offence under section 34 of the Act in proceedings brought by that authority.

Entries in Agency register.

25. It is hereby prescribed that the register maintained by the Agency under section 19 of the Act shall contain an inventory of permits granted by local authorities and shall indicate, in respect of each permit, the expiry date of the permit (where appropriate) and the date or dates, if any, on which the permit was amended or revoked.

Notices and information to local authority

26. (1) A holder of a permit shall give notice in writing to the local authority which granted the said permit of any changes in the information furnished to that local authority under article 7(1) or 9, within four weeks of any such change arising.

(2) A broker or dealer shall -

(a) inform the local authority in whose functional area the principal place of business of the said broker or dealer is situate of that fact,

(b) compile and maintain records of the types and quantities of waste dealt with in the course of business, the origin and destination of such waste, the treatment, recovery or disposal activities to which the waste is subject and, where appropriate, the persons by whom such waste is collected, and

(c) upon notice in writing by the said local authority or by the Agency, furnish information compiled in accordance with paragraph (b) to that local authority or the Agency, as the case may be, in such form, within such period or at such frequency as may be specified in the said notice.

(3) The records referred to in sub-article (2)(b) shall be retained for a period of not less than five years.

Entries in local authority registers.

27. It is hereby prescribed that the register established and maintained by a local authority in accordance with section 19 of the Act shall contain entries specifying -

- (a) the receipt of any notification under article 22(2) and the location and operator of the bring facility concerned, and
- (b) the receipt of any notification under article 26(2) and the name and address of the broker or dealer concerned.

Withdrawal of an application.

28. (1) Without prejudice to an applicant's liability under article 13(1), an application may be withdrawn at any time before the making of a decision by the relevant local authority on the application.

(2) Where an application is withdrawn under sub-article (1), the relevant local authority shall have absolute discretion to refund all or part of the fee payable in accordance with article 7(3).

(3) For the purposes of section 34(12) of the Act, the withdrawal of an application shall be deemed to constitute a refusal by the relevant local authority to grant the waste collection permit applied for.

Amendment of Waste Management (Miscellaneous Provisions) Regulations, 1998.

29. With effect from 30 November 2001, the Waste Management (Miscellaneous Provisions) Regulations, 1998 (S.I. No. 164 of 1998) are amended by the deletion of article 6 of the Regulations.

Non-application of Waste Management (Movement of Hazardous Waste) Regulations, 1998

30. Article 6 of the Waste Management (Movement of Hazardous Waste) Regulations, 1998 (S.I. No. 147 of 1998) shall not apply in respect of the movement within the State of -

- (a) waste oils,
 - (b) end-of life vehicles, or
 - (c) hazardous household, commercial or agricultural wastes
- collected at a bring facility or by means of a segregated collection service provided to members of the public.

False or misleading information

31. A person shall not compile information that is false or misleading to a material extent or furnish any such information in or in support of an application, notice or other document used for the purposes of these Regulations.

FIRST SCHEDULE

Article 7

Statutory Declaration

I declare that the information given in the application by _____ for the purpose of obtaining a waste collection permit is correct, and that no information required to be included in the said application has been omitted.

I make this solemn declaration conscientiously believing the same true and by virtue of the Statutory Declarations, Act, 1938.

I authorise [name of local authority to which application is being made] to make any enquiries from official sources as it may consider necessary for the purpose of determining this application and, pursuant to section 8 of the Data Protection Act, 1988, I consent to the disclosure of details of convictions for relevant offences specified under article 19 of the Waste Management (Collection Permit) Regulations, 2001.

Signature:

Name (block capitals)

Declared before me at _____ this
_____ day of _____,
_____, 20____. #

To be completed by a Solicitor/Commissioner of Oaths/Notary Public/Peace Commissioner/Garda Siochana.

Signature of Witness

Occupation

Date _____

WARNING Any person who gives false or misleading information for the purpose of obtaining a waste collection permit renders himself liable to severe penalties.

SECOND SCHEDULE

Article 16

Provisions of Community acts that are to be given effect to in relevant waste collection permits granted by a local authority.

Relevant Provisions

Community act

(1)

(2)

Articles 2, 10.1, 11 and 12

Council Directive 75/439/EEC of 16 June, 1975 on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December, 1986.

Article 8

Council Directive 87/217/EEC of 19 March, 1987 on the prevention and reduction of environmental pollution by asbestos.

Articles 2.2 to 2.4, 4.2 and 4.3, and 5.1 and 5.2

Council Directive 91/689/EEC of 12 December, 1991 on hazardous waste.

Article 9.2

Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste.

Given under the Official Seal of the Minister for the Environment and Local Government, this 30th day of August, 2001

NOEL DEMPSEY

Minister for the Environment and Local Government

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations provide for the commencement and operation of a system of permitting of waste collection activities under the Waste Management Act, 1996.

The Regulations prescribe that on or after 30 November 2001, the collection of waste on a commercial basis requires a waste collection permit from a relevant local authority in accordance with section 34(1) of the Act. The Regulations set out procedures for the making of permit applications, public consultation, consideration by local authorities of submissions in relation to permit applications, and the grant, refusal and review of permits by local authorities. Certain waste collection activities that are subject to controls under other legislation are exempt from the permitting requirement.