

GUERNSEY STATUTORY INSTRUMENT

2010 No. 52

**The Environmental Pollution (Public Register)  
Regulations, 2010**

<i>Made</i>	<i>17<sup>th</sup> May, 2010</i>
<i>Coming into operation</i>	<i>1<sup>st</sup> June, 2010</i>
<i>Laid before the States</i>	<i>, 2010</i>

**THE POLICY COUNCIL**, in exercise of the powers conferred on it by sections 10(1) and (2) and 72 of the Environmental Pollution (Guernsey) Law, 2004<sup>a</sup> and all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Particulars to be kept on the register.**

1. The following particulars are the prescribed particulars required to be contained on a register for the purposes of section 10(1) of the Environmental Pollution (Guernsey) Law, 2004 ("**the Law**") -

- (a) in relation to every licence -
  - (i) a copy of the licence,
  - (ii) where the conditions of the licence have been varied, a copy of the notice of the variation,

---

<sup>a</sup> Order in Council No. XIII of 2004.

issued under section 17(4) of the Law, must be kept on the register with the copy of the licence, and

(iii) where the licence has been revoked, suspended or transferred, the copy kept on the register must have an indication of the revocation, suspension or transfer endorsed on it,

(b) in relation to every licence application -

(i) a copy of the application for a licence,

(ii) a copy of any written representations made in relation to the application under section 33(2)(c) or 34(3)(c) of the Law, and

(iii) where the Director proposes to refuse the application -

(A) a copy of the notice of refusal and the reasons therefor given by the Director under section 15(2) of the Law,

(B) a copy of any written representations made to the Director in respect of such proposed refusal under section 21(1) of the Law, and

(C) a copy of any decision of the Director under section 21(4) of the Law,

- (c) in relation to every modification to a licence -
  - (i) where a licensee has applied for the variation of any conditions of his licence, a copy of the application to vary any conditions of the licence, and
  - (ii) where the Director proposes to vary the conditions of a licence -
    - (A) a copy of the notification of the proposed variation and the reasons therefor sent by the Director under section section 17(3) of the Law,
    - (B) a copy of any written representations made to the Director in respect of such proposed variation under section 21(1) of the Law, and
    - (C) a copy of any decision of the Director under section 21(4) of the Law,
- (d) in relation to every revocation or suspension of a licence -
  - (i) where a licensee has applied for the revocation or suspension of his licence, a copy of the application to revoke or surrender the licence, as the case may be,

(ii) where the Director proposes to revoke or suspend the licence -

(A) a copy of the notification of the proposed revocation or suspension, as the case may be, and the reasons therefor sent by the Director under section 18(3) of the Law,

(B) a copy of any written representations made to the Director in respect of such proposed revocation or suspension, as the case may be, under section 21(1) of the Law, and

(C) a copy of any decision of the Director under section 21(4) of the Law, and

(iii) a copy of the notice of the revocation or suspension, as the case may be, issued by the Director under section 18(4) of the Law,

(e) in relation to every surrender of a licence -

(i) a copy of the application to surrender the licence,

(ii) where the Director proposes to accept the application for surrender, a copy of any written representations made to the Director under

section 19(7) of the Law,

- (iii) where the Director proposes to refuse the application for surrender -
  - (A) a copy of the notification of the proposed refusal of the application and the reasons therefor, sent by the Director under section 19(8) of the Law,
  - (B) a copy of any written representations made to the Director, in respect of such proposed refusal, under section 21(1) of the Law, and
  - (C) a copy of any decision of the Director under section 21(4) of the Law, and
- (iv) where an application for the surrender of a licence is accepted by the Director, a copy of the notice of determination and the certificate of completion issued by the Director under section 19(9) of the Law,
- (f) in relation to every transfer of a licence -
  - (i) a copy of the application to transfer the licence, and
  - (ii) where the Director proposes to refuse to accept

the application for transfer -

- (A) a copy of the notification of the proposed refusal and the reasons why he is not satisfied that the proposed transferee is a fit and proper person sent by the Director under section 20(6) of the Law,
- (B) a copy of any written representations made to the Director in respect of such proposed refusal under section 21(1) of the Law, and
- (C) a copy of any decision in writing under section 21(4) of the Law,

(g) in relation to enforcement activities -

- (i) a copy of any compliance notice issued under Part VI of the Ordinance<sup>b</sup>,
- (ii) brief particulars of any action taken by the Director, to secure compliance with any requirement of a compliance notice, under section 63 of the Law, and
- (iii) brief particulars of any conviction for an offence under section 65, 66, 67 or 68 of the

---

<sup>b</sup> Approved by the States on the 28<sup>th</sup> April, 2010.

Law,

(h) in relation to inspection and monitoring activities, brief particulars of any monitoring or inspection activities carried out by the Director (at premises where a prescribed operation, in respect of which a licence is held, are carried on) -

(i) under Part VI of the Ordinance, or

(ii) pursuant to a condition of the relevant licence,

and such particulars shall include the number of occasions in each calendar year in which such inspection or monitoring activity is carried out at the premises in question and such number must be added to the register as soon as reasonably practicable after the end of the calendar year in question, and

(i) in relation to movements of specially controlled waste-

(i) the number of collections and transports of specially controlled waste in respect of which the Director has issued an approved consignment note under Part V of the Ordinance in each calendar, and

(ii) a description of the premises from and to which such collections and transports have been made,

and such number and description must be added to the register as soon as reasonably practicable after the end of the calendar year in which such movements took place.

**Fee for copies of information contained on the register.**

2. (1) The prescribed fee for the taking or obtaining of copies of information contained in the register for the purposes of section 10(2) of the Law is £10 for each occasion on which copies are so taken or obtained.

(2) For the avoidance of doubt, the fee in paragraph (1) is the same irrespective of the number of copies taken or obtained on any one occasion.

**Interpretation.**

3. (1) In these Regulations, unless the context requires otherwise -

**"approved consignment note"** : see section 25(1) of the Ordinance,

**"certificate of completion"**: see section 19(9) of the Law,

**"compliance notice"**: see section 62(1) of the Law and section 41 of the Ordinance,

**"the Director"** means the person appointed as Director of Environmental Health and Pollution Regulation under section 4 of the Law,

**"enactment"** means any Law, Ordinance or subordinate legislation,

**"inspection and monitoring activities"** includes any action taken by the Director -

- (a) under section 35, 37 or 38 of the Ordinance,
- (b) pursuant to a warrant issued by the Bailiff under section 36 of the Ordinance, and
- (c) in order to inspect, examine or monitor any premises, plant or equipment, substance or article pursuant to a condition of a licence,

**"the Law"** means the Environmental Pollution (Guernsey) Law, 2004,

**"licence"** means a licence to carry on a prescribed operation granted under section 15 of the Law,

**"licensee"** means a person who holds a licence,

**"the Ordinance"** means the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010,

**"plant"** includes any type of machinery, implement or apparatus, whether affixed to or at a specific site or capable of being operated at more than one site,

**"premises"** includes buildings, structures and land in the open air and, where used in relation to specially controlled waste, includes a ship,

**"a prescribed operation"** see section 13(1) of the Law and section 1 of the Ordinance,

**"register"** means the register required to be maintained by the

Director under section 10 of the Law,

**"specially controlled waste"** means any description of waste identified by Ordinance under section 37 of the Law as so dangerous or difficult to dispose of that special measures need to be taken in respect of it<sup>c</sup>,

**"subordinate legislation"** means any regulation, rule, order, rule of court, resolution, scheme, bylaw or other instrument made under any enactment and having legislative effect,

**"substance"** : see section 2(5)(d) of the Law,

**"waste"** has the meaning in the Law except that it does not include -

- (a) radioactive waste, or
- (b) any substance which is explosive within the meaning of the Explosives (Guernsey) Law, 1905<sup>d</sup>,

and other expressions have the same meanings as in the Law.

(2) The Interpretation (Guernsey) Law, 1948<sup>e</sup> applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without

---

<sup>c</sup> See section 26 of the Ordinance and regulation 2 of the Waste Control and Disposal (Specially Controlled Waste) Regulations, 2010.

<sup>d</sup> Ordres en Conseil Vol. III, p. 414 and Vol. XXXIV p. 586.

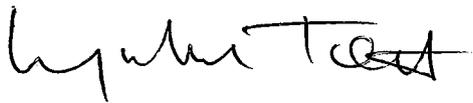
<sup>e</sup> Ordres en Conseil Vol. XIII, p. 355.

modification), extended or applied.

**Citation and commencement.**

4. These Regulations may be cited as the Environmental Pollution (Public Register) Regulations, 2010 and shall come into force on the 1<sup>st</sup> day of June, 2010.

Dated this 17<sup>th</sup> day of May, 2010



L. TROTT

Chief Minister

For and on behalf of the Policy Council

---

EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the particulars which the Director of Environmental Health and Pollution Regulation must keep on the public register required to be maintained under section 10 of the Environmental Pollution (Guernsey) Law, 2004 (see regulation 1). Regulation 2 prescribes the fee payable for the taking or obtaining of copies of information held on that register.