

Waste Management (Jersey) Law 2005 - Article 40

Guidance Notes for Applying for Registration as a Carrier of Hazardous Waste and/or Health Care Waste (JWL013)

Please note that it is an offence under Article 100 of the Waste Management (Jersey) Law 2005 to knowingly or recklessly make a statement in an application under this Law that is false or misleading in a material particular. Any person found guilty of such an offence shall be liable to imprisonment for a term not exceeding two years or to a fine, or both.

FOR USE WITH FORM JWL006

1. Appeals against refusal to grant a certificate of confidentiality, in whole or in part, are allowed under Article 97 and must be made to the Royal Court within 21 days of appellant being served with a written copy of the decision (or within such further time as the Royal Court may allow). Please refer to the document "Waste Management Licensing Guidance", Chapter 14, for more details on the rights of appeal under this Law and the appeal process. <http://www.gov.je/home/wasterecycling/specialwasteservices/pages/controlledwaste.aspx>
2. The Minister is required to take into account any relevant convictions for offences. This means that the applicant should notify the details of any relevant convictions as part of the application, even if the applicant was not convicted but contributed the offence by virtue of:
 - (i) committing it in the course of their employment by the applicant;
 - (ii) committing it in the course of the carrying on of any business by a partnership, one of the members of which was the applicant;
 - (iii) being a body corporate and at the time when the offence was committed the applicant was a director, manager, company secretary or other similar officer of that company;
 - (iv) being a director, manager, company secretary or other similar officer of the applicant (where the applicant is a body corporate);
 - (v) being a body corporate and at the time when the offence was committed a director, manager, company secretary or other similar officer of the applicant held such an office in the body corporate which committed the offence.
3. Offences considered to be relevant convictions are offences under any of the following enactments:
 - (a) *The Waste Management (Jersey) Law 2005;*
 - (b) *Merchant Shipping Act 1894 57 & 58 Vict (c.60) of the United Kingdom, in so far as it applies to the Island;*
 - (c) *Merchant Shipping (Liability of Shipowners and others) Act 1900 63 & 64 Vict (c.32) of the United Kingdom, in so far as it applies to the Island;*
 - (d) *Merchant Shipping Act 1906 6 Edw 7(c.45) of the United Kingdom, in so far as it applies to the Island;*
 - (e) *Maritime Conventions Act 1911 1 & 2 Geo 5 (c.57) of the United Kingdom, in so far as it applies to the Island;*
 - (f) *Merchant Shipping (Jersey) Act 1916;*
 - (g) *Oil in Territorial Waters (Jersey) Law 1950*
 - (h) *Merchant Shipping (Registry of British Ships) (Jersey) Law 1987*
 - (i) *"Loi" (1934) sur la Santé Publique*
 - (j) *"Loi" (1937) sur les Egouts*
 - (k) *Sewerage (Amendment) (Jersey) Law 1953*
 - (l) *"Loi" (1954) (Amendment No. 3) sur les Egouts*
 - (m) *Sewerage (Amendment No. 5) (Jersey) Law 1961*

- (n) *Drainage (Jersey) Law 1962*
- (o) *Island Planning (Jersey) Law 1964*
- (p) *Sea Defence (Jersey) Law 1970*
- (q) *Food and Environment Protection Act 1985 (Jersey) Order 1987*
- (r) *Health and Safety at Work (Jersey) Law 1989*
- (s) *Pesticides (Jersey) Law 1991*
- (t) *Statutory Nuisances (Jersey) Law 2000*
- (u) *Conservation of Wildlife (Jersey) Law 2000*
- (v) *Water Pollution (Jersey) Law 2000*

Registered waste carriers will be required to notify the Minister if, following their registration, they or any relevant persons are subsequently convicted of any of the above offences.

4. Under Article 41(b) of the Waste Management (Jersey) Law 2005 the Minister for the Environment is entitled to consider the past conduct of the applicant, or any persons employed by the applicant, in relation to road safety and road transportation generally. Convictions for motoring offences do not prevent you from applying for carrier registration as every application is considered on its merits.
5. It is a requirement of the Waste Management (Jersey) Law 2005 that any person who undertakes any of the following activities:-
 - (i) the deposit of controlled waste on any land;
 - (ii) the keeping of controlled waste on any land;
 - (iii) the treatment of controlled waste on any land, or by means of any mobile plant; and
 - (iv) the disposal or recovery of controlled waste on any land, or by means of any mobile plant,

must obtain a waste management licence to carry out the activity or activities, unless the activity or activities are exempted from requiring such a licence by virtue of the Waste Management (Exemptions from Licensing) (Jersey) Order 2006. Controlled wastes consist of hazardous waste, health care waste and municipal waste. For further information on waste management licences or the definition of controlled waste please refer to the document "Waste Management Licensing Guidance" for more details.

<http://www.gov.je/home/wasterecycling/specialwasteservices/pages/controlledwaste.aspx>

6. Under Article 41(a) of the Waste Management (Jersey) Law 2006 the Minister for the Environment is entitled to consider the relevant experience of the applicant in relation to road transportation or of the transportation of hazardous waste or health care waste. Please include details of any training received and/or qualifications held by the applicant or any relevant person in relation to road transportation and of the transportation of hazardous waste or health care waste.
7. Article 45(1) of the Waste Management (Jersey) Law 2005 places a duty on waste carriers to ensure that his or her employees are suitably trained and any motor vehicle or other equipment that is used is appropriately designed and maintained.
8. Submission of applications:
 - (i) Completed applications on form JWL006 should be sent to:
 - Waste Regulation Office,
 - Department of the Environment,
 - Howard Davis Farm,
 - La Route de la Trinité,
 - Trinity, JE3 5JP
 - (ii) Incomplete or unsigned applications will not be accepted.
 - (iii) If you have difficulty in completing the application form please seek advice from the waste regulation office at the Environment Department (tel: 441600).
9. Upon receipt of a complete application the Minister has three months within which to determine the application.

During this period the Minister may consult upon the application with any person or body. This three month period can be extended with the agreement of the applicant. Should the Minister fail to determine the application within the specified time limit, this will be considered as a decision to refuse the application without stated reasons.

10. If the Minister is satisfied that –

- (a) the application is properly made; and
- (b) that the applicant is fit to carry hazardous and/or household waste licence,

he shall grant the application and issue a letter of registration. The letter will specify the type(s) of waste that may be carried and will include such conditions that the Minister chooses to specify. The letter will authorize the person to whom it is issued and also any person who they employ and is acting under their general supervision.

11. If the Minister is not satisfied that –

- (a) the application is properly made; or
- (b) that the applicant is fit to hold the licence,

he shall refuse to issue a letter of registration. He shall state in writing his reasons for refusing the registration.

12. There is a right of appeal against any of the above decisions. An appeal must be made to the Royal Court within 21 days of the appellant being served with a written copy of the decision (or within such further time as the Royal Court may allow). Please refer to the document “Waste Management Licensing Guidance”, Chapter 14, for more details on the rights of appeal under this Law and the appeal process.

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Public registers

13. A copy of the application and its supporting information, together with the letter of registration (if issued), will be available for inspection by the public for the duration of the licence.