

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Environmental Pollution (Waste Control and Disposal) (Fees) Regulations, 2010 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the instrument incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the instrument and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* G.S.I. No. 46 of 2010; as amended by the Environmental Pollution (Waste Control and Disposal) (Fees) (Amendment) Regulations, 2011 (G.S.I. No. 21 of 2011).

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Environmental Pollution (Waste Control and Disposal) (Fees) Regulations, 2010

ARRANGEMENT OF REGULATIONS

1. Fee to accompany application in relation to a licence for a waste transport operation.
2. Fee to accompany application in relation to a licence for a prescribed operation other than a waste transport operation.
3. Fee payable where a person carries on a waste transport operation and another prescribed operation.
4. Annual licence fee for prescribed operations other than waste transport operations.
5. Penalty for late payment of annual licence fee.
6. Interpretation.
7. Citation and commencement.

SCHEDULE 1 Prescribed fee to accompany application in relation to a waste transport operation.

SCHEDULE 2 Prescribed fee to accompany application in relation to prescribed operation other than a waste transport operation.

SCHEDULE 3 Annual licence fee for prescribed operations other than waste transport operations.

Explanatory Note.

(Made on 11th May, 2010.)

The Environmental Pollution (Waste Control and Disposal) (Fees) Regulations, 2010

THE DIRECTOR OF ENVIRONMENTAL HEALTH AND POLLUTION REGULATION, in exercise of the powers conferred on her by sections 4(2)(c) and 4(3) of the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010^a and section 72 of the Environmental Pollution (Guernsey) Law, 2004^b and all other powers enabling her in that behalf, hereby makes the following Regulations: –

Fee to accompany application in relation to a licence for a waste transport operation.

1. (1) The prescribed fee to accompany an application in relation to a licence for a waste transport operation for the purpose of section 4(2)(c) of the Ordinance –

(a) is the fee specified in column 2 of Schedule 1 for the type of application specified in column 1 of Schedule 1, and

(b) is payable to the States of Guernsey.

(2) For the avoidance of doubt, no fee is prescribed to accompany an application for the surrender of a waste transport licence.

^a Approved by resolution of the States on 28th April, 2010.

^b Order in Council No. XIII of 2004.

Fee to accompany application in relation to a licence for a prescribed operation other than a waste transport operation.

2. The prescribed fee to accompany an application in relation to a prescribed operation other than a waste transport operation, for the purpose of section 4(2)(c) of the Ordinance –

- (a) is as set out in Schedule 2 for the type of application and description of prescribed operation in question, and
- (b) is payable to the States of Guernsey.

Fee payable where a person carries on a waste transport operation and another prescribed operation.

3. For the avoidance of doubt, where a person carries on a waste transport operation and any other prescribed operation a separate fee is required to accompany –

- (a) any application made in relation to the waste transport operation, and
- (b) any application made in relation to any other prescribed operation,

and that separate fee shall be as set out for the type of application and description of operation in question in accordance with regulation 1 or 2 respectively.

Annual licence fee for prescribed operations other than waste transport operations.

4. (1) The prescribed annual fee payable by a licensee, for the purpose of section 4(3) of the Ordinance, in respect of a licence to carry on a prescribed operation ("**annual licence fee**"), other than a waste transport operation –

(a) is the fee specified in column 2 of Schedule 3 for the type of prescribed operation specified in column 1 of Schedule 1, and

(b) is payable to the States of Guernsey.

(2) For the avoidance of doubt, no annual licence fee is payable by a licensee in respect of a licence to carry on a waste transport operation.

(3) The annual licence fee is payable –

(a) within 30 days of the date of issue of a licence for the prescribed operation in question, and

(b) thereafter, within 30 days of the 31st January in each calendar year following the calendar year of issue of the licence for the prescribed operation in question.

Penalty for late payment of annual licence fee.

5. If a licensee fails to pay the annual licence fee within the relevant period set out in regulation 4(3) ("**the period for payment**"), he must pay a penalty, rounded up to the nearest £10, of –

(a) where payment is received after 30, but before 60, days have expired from the date following the expiry

of the period for payment, 1% of the annual licence fee,

- (b) where payment is received after 60, but before 90, days have expired from the date following the expiry of the period for payment, 2% of the annual licence fee, and
- (c) where payment has not been received after the expiry of 90 days from the date following the expiry of the period for payment, 5% of the annual licence fee.

Interpretation.

6. (1) In these Regulations, unless the context requires otherwise –

"annual licence fee" see regulation 4(1),

"application for the renewal of a licence" means an application for a licence –

- (a) to replace an existing licence which is due to expire, and
- (b) where the application is for substantially the same prescribed operation as is licensed by the existing licence,

"clinical waste" means –

Consolidated text

- (a) any waste which consists wholly or partly of human or animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical products, swabs or dressings, or syringes, needles or other sharp instruments, being waste which unless rendered safe may prove hazardous to any person coming into contact with it, and
- (b) any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation, treatment, care, teaching or research, or the collection of blood for transfusion, being waste which may cause infection to any person coming into contact with it,

"commercial waste" means waste arising from any activity carried on by way of business, and includes agricultural and horticultural waste other than such waste arising from use of the curtilage of a dwelling house for purposes connected with the use of that dwelling house,

"dwelling house" means a building or part of a building used as a permanent residence for members of one household, and includes the curtilage of such a building, but does not include a hotel, hospital or other place where persons may temporarily live,

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

"household waste" means waste arising from the normal use of a dwelling house as such and does not include commercial waste arising thereon,

"incineration" means the thermal treatment of waste, with or without recovery of the combustion heat generated including –

- (a) incineration by oxidation of waste, and
- (b) other thermal treatment processes such as pyrolysis, gasification or plasma processes, insofar as substances resulting from the treatment are subsequently incinerated,

"inert waste" means waste which –

- (a) does not undergo any significant physical, chemical or biological transformations,
- (b) does not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution, and
- (c) has insignificant total leachability and pollutant content and ecotoxicity of its leachate are insignificant and, in particular, does not endanger the quality of any water,

"landfill" means a waste disposal site for the deposit of waste into or under land,

"landfill gas" means gas formed by the digestion of material in a landfill,

"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,

"period for payment": see regulation 5,

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

"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^c,

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

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

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

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

"waste transport licence" means a licence to carry on the collection, removal, transportation or handling of waste (other than specially controlled waste), when carried on by way of business or as a public service,

"waste transport operation" means the collection, removal, transportation or handling of waste (other than specially controlled waste), when carried on by way of business or as a public service, and any other words or expressions, unless the context otherwise requires, shall have the same meaning as in the Ordinance.

(2) The Interpretation (Guernsey) Law, 1948^e 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 modification), extended or applied.

Citation and commencement.

7. These Regulations may be cited as the Environmental Pollution (Waste Control and Disposal) (Fees) Regulations, 2010 and shall come into force on the 1st day of June, 2010.

^d Ordres en Conseil Vol. III, p. 414 and Vol. XXXIV p. 586.

^e Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE 1

Regulation 1

PRESCRIBED FEE TO ACCOMPANY APPLICATION IN RELATION TO A
WASTE TRANSPORT OPERATION

| Type of Application | Fee |
|--|------------------------|
| Application for licence (including a renewal of a licence) | £200 |
| Application for variation of condition of licence | £25 for each condition |
| Application for transfer of licence | £100 |

SCHEDULE 2

Regulation 2

PRESCRIBED FEE TO ACCOMPANY APPLICATION IN RELATION TO
PRESCRIBED OPERATION OTHER THAN A WASTE TRANSPORT
OPERATION

Interpretation of the Schedule.

This Schedule shall be interpreted in accordance with the notes to the Schedule.

| Description of Operation | Fee to accompany application for licence (including a renewal of a licence) | Fee to accompany application for variation of condition of licence | Fee to accompany application for transfer of licence | Fee to accompany application for surrender of licence |
|--|--|---|---|--|
| Category 1. An operation consisting only of the storage of waste (not including any specially controlled waste). | £500 | £500 | £500 | £500 |
| Category 2. An operation consisting only of the storage of waste including specially controlled waste. | £1,000 | £1,000 | £1,000 | £1,000 |
| Category 3. An operation consisting of the sorting, processing or treatment of waste (not including any specially controlled waste) and any storage of such | £2,000 | £1,000 | £1,000 | £1,000 |

Consolidated text

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|--|---------|--------|--------|---------|
| waste forming part of the same operation. | | | | |
| Category 4. An operation consisting of the sorting, processing or treatment of waste including any specially controlled waste and any storage of such waste forming part of the same operation. | £3,000 | £1,000 | £1,000 | £2,000 |
| Category 5. An operation involving the disposal of household waste or commercial waste by landfill. | £5,000 | £1,000 | £1,000 | £12,000 |
| Category 6. An operation involving the disposal of clinical waste by incineration. | £5,000 | £1,000 | £1,000 | £3,000 |
| Category 7. An operation involving the disposal of animal carcasses by incineration. | £2,000 | £1,000 | £1,000 | £3,000 |
| Category 8. An operation involving the disposal of household waste or commercial waste by incineration [other than an operation falling within | £10,000 | £1,000 | £1,000 | £5,000 |

Consolidated text

| | | | | |
|--|---------|--------|--------|--------|
| Category 6, 7 or 10A]. | | | | |
| Category 9. An operation involving the disposal of waste landfill gas. | £3,000 | £1,000 | £1,000 | £3,000 |
| Category 10. An operation involving the disposal of inert waste by means of a land reclamation operation. | £1,000 | £1,000 | £1,000 | £3,000 |
| [Category 10A. An operation involving the disposal of waste wood, which has been sorted, by incineration in a boiler with a rated thermal output of not less than 0.4 megawatts and not more than 3 megawatts. | £1,000 | £500 | £500 | £500] |
| Category 11. An operation involving the disposal of waste by means of an operation not falling within any of the descriptions of operation in categories [5 to 10A]. | £10,000 | £1,000 | £1,000 | £5,000 |

Notes to the Schedule

1. Where a person carries on, or proposes to carry on, operations which fall within more than one category of the Table the prescribed fee to accompany the

application in question is the highest fee specified in the Table for any of the prescribed operations carried on, or to be carried on, by the applicant for the type of application in question including where any operations are ancillary or ordinarily incidental to another activity.

2. For the avoidance of doubt, where an operation falling within a description of operation in category 3 to 11 also involves the provision or operation of any site, plant or equipment for the sorting, treatment, processing or disposal of waste no further fee, in respect of such provision or operation, is required to accompany an application.

3. The relevant fee specified in the Table to accompany an application for the variation of a condition is the same irrespective of the number of conditions in respect of which the application is made.

NOTE

In Schedule 2, first, the words in square brackets in the first column in the description of the operation relating to Category 8, second, the row corresponding to Category 10A and, third, the figures, word and letter in square brackets in the first column in the description of the operation relating to Category 11 were, respectively, inserted, inserted and substituted by the Environmental Pollution (Waste Control and Disposal) (Fees) (Amendment) Regulations, 2011, regulation 1(2), regulation 1(3)(a) and regulation 1(3)(b), with effect from 9th June, 2011.

SCHEDULE 3

Regulation 4

ANNUAL LICENCE FEE FOR PRESCRIBED OPERATIONS OTHER THAN
WASTE TRANSPORT OPERATIONS

Interpretation of the Schedule.

This Schedule shall be interpreted in accordance with the notes to the Schedule.

| Description of Operation licensed | Annual Licence Fee |
|--|--------------------|
| Category 1. An operation consisting only of the storage of waste (not including any specially controlled waste). | £500 |
| Category 2. An operation consisting only of the storage of waste including specially controlled waste. | £1,500 |
| Category 3. An operation consisting of the sorting, processing or treatment of waste (not including any specially controlled waste) and any storage of such waste forming part of the same operation. | £1,500 |
| Category 4. An operation consisting of the sorting, processing or treatment of waste including any specially controlled waste and any storage of such waste forming part of the same operation. | £2,500 |
| Category 5. An operation involving the disposal of household waste or commercial waste by landfill. | £6,000 |
| Category 6. An operation involving the disposal of clinical waste by incineration. | £2,500 |
| Category 7. An operation involving the disposal of animal carcasses by incineration. | £2,500 |
| Category 8. An operation involving the disposal of household waste or commercial waste by incineration [other than an operation falling within Category 6, 7 or | £6,000 |

Consolidated text

| | |
|--|--------|
| 10A]. | |
| Category 9. An operation involving the disposal of waste landfill gas. | £1,800 |
| Category 10. An operation involving the disposal of inert waste by means of a land reclamation operation. | £2,000 |
| [Category 10A. An operation involving the disposal of waste wood, which has been sorted, by incineration in a boiler with a rated thermal output of not less than 0.4 megawatts and not more than 3 megawatts. | £500] |
| Category 11. An operation involving the disposal of waste by means of an operation not falling within the descriptions of operation in [categories 5 to 10A] above. | £6,000 |

Notes to the Schedule

1. Where a person is licensed to carry on operations which fall within more than one category of the Table the annual licence fee is the highest such fee specified in the Table for any of the prescribed operations in respect of which the licence is issued including where any operations are ancillary or ordinarily incidental to another activity.

2. For the avoidance of doubt, where the description of operation licensed falls within any description of operation in category 3 to 11 and also involves the provision or operation of any site, plant or equipment for the sorting, treatment, processing or disposal of waste no further annual licence fee is payable in respect of the licensing of such provision or operation.

NOTE

In Schedule 3, first, the words in square brackets in the first column in the description of the operation relating to Category 8, second, the row

Consolidated text

corresponding to Category 10A and, third, the words, figures and letter in square brackets in the first column in the description of the operation relating to Category 11 were, respectively, inserted, inserted and substituted by the Environmental Pollution (Waste Control and Disposal) (Fees) (Amendment) Regulations, 2011, regulation 1(2), regulation 1(4)(a) and regulation 1(4)(b), with effect from 9th June, 2011.

EXPLANATORY NOTE

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

These Regulations provide for the fees payable in relation to licences in respect of waste operations for the carrying on of which a licence is required under the Environmental Pollution (Guernsey) Law, 2004 ("**the Law**") and the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010.

Regulation 1 and Schedule 1 set out the fees to accompany an application in relation to a waste transport licence.

Regulation 2 and Schedule 2 set out the fees to accompany an application in relation to a licence for waste operations other than waste transport operations (e.g. the storage, sorting, processing, treatment or disposal of waste).

Regulation 3 clarifies that where a person carries on both a waste transport operation and another waste operation, a separate fee is payable in respect of an application in relation to the waste transport operation and an application in relation to the other waste operation.

Regulation 4 and Schedule 3 provide for the annual licence fee payable by holders of licences for operations other than waste transport operations. No annual licence fee is payable in respect of licences for waste transport operations.

Regulation 5 makes provision for payment of a penalty on the late payment of an annual licence fee.

** The text of this Explanatory Note is as it was when the Statutory Instrument was first made – that is to say that the Explanatory Note has not been updated to take account of any changes made by subsequent amending Statutory Instruments with their own Explanatory Notes.