

The Chartered Institution of Wastes Management (CIWM) is the professional body which represents around 6,300 waste management professionals, predominantly in the UK but also overseas. The CIWM sets the professional standards for individuals working in the waste management industry and has various grades of membership determined by education, qualification and experience.

Consultation on the draft Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015

CIWM sought comment from its members and any feedback from them and those on the Collection, Recycling and Environmental Cleansing special interest group (SIG) has been included in this response.

The Institution welcomes the opportunity to respond to this consultation and is supportive of the move to improve the procedure and processes in seizing property in relation to environmental crime.

Question 1) Do you have any general comments on the draft Statutory Instruments at Annex A and B?

Clean Neighbourhoods and Environment Act 2005 (Commencement No. 6, Revocation and Savings) (England and Wales) Order 2015. It is very useful to have the list of other provisions already under this Act due to the number of them. Ideally as CIWM has said in the past consolidated legislation in the waste management area would make following the regulations much easier and less of a burden for all – private, public and third sector.

Regulation 9 (2) (a) and (b) have a reference error and CIWM believes this should be Regulation 3.

Question 2) Is the procedure for dealing with seized property clear?

CIWM believes the procedure is relatively clear, although in the consultation document on page 13 there is a table that indicates the changes from the current regulations to these proposed regulations. Within table 1 it mentions publication of notice in local paper as no longer required. So CIWM is a little confused when Regulation 7 (1) (b) talks about giving notice by “publishing such notice in a newspaper...”.

CIWM is aware that removing this requirement will be supported by many in these austere times.



Part 4, Regulation 22 "Where the condition of any seized property...immediate disposal...". CIWM would like to know how this is to be determined and by whom?

Regulation 24 states the seizure authority give notice of destruction or disposal to any person notified under Regulation 9(1)(a) and CIWM asks should this include DVLA or would this be through an authorised treatment facility?

Question 3) What benefits might be derived from guidance and what aspects of the draft Regulations would you like addressed in guidance?

CIWM believes there might well be some benefit from detailed text explaining some of the aspects of the regulations. One example might be the condition of the vehicle under Regulation 22.

The retention and return procedure might also benefit from some detailed explanation as the Statutory Instrument is quiet difficult to follow due to having to move back and forwards through regulations 15 and 18.

Question 4) Do you have any views on the estimated costs and benefits to business?

CIWM is not in a position to comment.

Question 5) Do you have any views on the estimated costs and benefits to the enforcement authorities?

CIWM is not in a position to comment.

Question 6) Are there any other costs or savings that you expect to receive as a result of the proposed changes?

This is not relevant to CIWM.

