

Permit applications for waste activities and/or installations and relevant convictions

You must tell us in your application for an EPR permit for a Schedule 1 activity if you, or any other relevant person, has been convicted of any offence under the [legislation](#) listed below; this is called a relevant offence.

Relevant persons

A relevant person is a person connected to the applicant:

- For companies and other corporate bodies this includes:
 - the company itself;
 - employees convicted whilst employed by the company;
 - the officers of the company (director, manager, secretary or similar officer);
 - other companies, when the officers of the company were officers of that other company when they were convicted.
- For partnerships this includes:
 - the individual partners;
 - employees convicted whilst employed by the partnership;
 - business partners, where the offence was committed in the course of their business.
- For individuals this includes:
 - the individual;
 - employees convicted whilst employed by the individual;
 - companies for which the individual is an officer (director, manager, secretary or similar officer).

Relevant offences

Offences that are 'relevant' are indicated in the [table](#) below. You do not need to tell us about any 'spent convictions' covered by the Rehabilitation of Offenders Act 1974, which applies to individuals. If during our checks we discover a relevant conviction against you which you have not told us about in your application, we may refuse your application. In any case we will contact you again which will delay our determination of your application.

What we do with this information

If you declare any convictions for relevant offences you should provide a post-conviction plan. This is your opportunity to explain what steps you have taken to ensure you will not offend again. We will consider the severity of the offences along with your post-conviction plan before deciding whether to proceed with your application or refuse it. If you have already provided a post conviction plan that covers all your relevant convictions and you have received a concern letter you only need provide a copy of that letter or, if that is not available, let us know who sent it out.

If we refuse your application you will be formally notified and given details of how you can lodge an appeal.

How to write a post-conviction plan

If you or any other relevant person has been convicted of any offence under the [legislation](#) listed in these notes, we need to review a post-conviction plan detailing these offences. You can request one by phoning us on 08708 506 506. If you do not use the template you must still provide all the information for us to review.

What happens if I don't provide a post-conviction plan?

If you don't provide us with a post-conviction plan, it increases the likelihood of us refusing your application.

What if I am convicted after I have become permitted?

If you already have a permit when you or another relevant person are convicted, we will follow the same process to decide whether or not to revoke your permit(s). If we revoke your permit(s) you will be formally notified and given details of how to lodge an appeal.

What happens when we receive your application if you have, or a relevant person has, a relevant conviction?

We may refuse your application if you or another relevant person has been convicted of a relevant offence or if you have given us incomplete or false information. We will not refund your application fee. If we do refuse your application, or if we take longer than two months to determine it without getting your agreement, you can appeal to the Secretary of State.

List of relevant offences

This table is correct at the time that this document was issued. Subsequent legislation may change the relevant offences, at which point this table will be inaccurate. As a result, this table is not intended as a definitive or authoritative statement of the law.

Note: Convictions for offences highlighted in yellow are only relevant after 2nd July 2012.

Offence
Control of Major Accident and Hazards Regulations 1999
Control of Pollution (Amendment) Act 1989: Section 1, 5 or 7(3)
Customs and Excise Management Act 1979: Section 170 (for environmental/metal theft related offences)
Environment Act 1995: Section 110(2)
Environmental Permitting Regulations 2007: Regulation 38
Environmental Permitting Regulations 2010: Regulation 38
Environmental Protection Act 1990: Section 33 and 34
Food and Environment Protection Act 1985: Section 9(1)
Fraud Act 2006: Section 1 (for environmental/metal theft related offences only)
Hazardous Waste (England and Wales) Regulations 2005
Hazardous Waste (Wales) Regulations 2005
Landfill (England and Wales) Regulations 2002: Regulation 17(1)
Pollution Prevention and Control (England and Wales) Regulations 2000
Proceeds of Crime Act 2002: Sections 329, 330, 331 & 332 (for environmental/metal theft related offences)
Producer Responsibility Obligations (Packaging Waste) Regulations 2007
Scrap Metal Dealers Act 1964 (for environmental/metal theft related offences only)
Theft Act 1968: Sections 1, 8, 9, 10, 11, 17, 18, 22 & 25 (for environmental/metal theft related offences)
Transfrontier Shipment of Waste Regulations 1994
Transfrontier Shipment of Waste Regulations 2007
Waste Electrical and Electronic Equipment Regulations 2006
Waste (England and Wales) Regulations 2011: Regulation 42
Water Resources Act 1991: Section 85, 202 or 206

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

08456 988 1188