

Press release: Nottingham man fined for carrying waste without a licence

A 43-year old Nottingham man has been sentenced to pay a fine of £880.00 plus £1,989 costs and a £88 victim surcharge for an offence committed under s1(1) of the Control of Pollution (Amendment) Act 1989.

Darren Pike from Betts Avenue, Hucknall, NG15 6UP was sentenced at Nottingham Magistrates Court on Wednesday 20 December in relation to a charge of carrying waste without the requisite upper tier Waste Carriers' Licence. Mr Pike failed to attend Court and the case was proven in his absence.

The charges were brought by the Environment Agency. The court heard how during a multi-agency operation on 11 May 2017, in conjunction with Nottinghamshire Police and Nottingham City Council, a Ford Transit Tipper truck driven by Mr Pike was found to be fully laden with waste, including plastic, furniture, toys, a fridge and a soiled mattress.

A number of waste transfer notes and weighbridge tickets were also found in the vehicle, which suggested that Mr Pike had previously taken waste (scrap metal) to two separate sites, one in Nottingham and the other in Mansfield. A public register search confirmed Mr Pike did not hold a Waste Carriers' licence.

Sinead Chamberlain, Environment Officer at the Environment Agency said:

On carrying out an interview under caution with Mr Pike in May this year, he admitted he was not a registered waste carrier. A letter was given to him containing advice and guidance in relation to registering as a waste carrier however, a subsequent check in August showed he had failed to register.

By not having the necessary licence, which costs just £154 and is easy to apply for, Mr Pike has incurred a total penalty of £2957.

The Environment Agency is working hard to make sure all businesses carrying waste have the correct authorisations to allow them to transport waste – a waste carrier's registration from the Environment Agency.

This case demonstrates we will take action against those who do not operate within the confines of relevant regulations and we hope it will serve as an example for other waste carriers to make sure they have the relevant licence in place.

Mr Pike has 28 days to pay. When sentencing, the Court took into account the aggravating feature of the offence being committed for financial gain, as well the defendant's previous "unblemished" record for environmental

offences.

Charge

- On 11 May 2017, Darren Pike, being a person who is not a registered carrier of controlled waste, did, in the course of his business or otherwise with a view to profit, transport controlled waste, namely wood, plastics, a mattress and a refrigerator, from Betts Avenue, Hucknall, NG15 6UP, being a place in Great Britain contrary to section 1(1) of the Control of Pollution (Amendment) Act 1989
- The Control of Pollution (Amendment) Act 1989 makes it a criminal offence for a person to transport controlled waste to or from any place in the United Kingdom, with a view for profit, if they do not possess the requisite Waste Carriers' Licence.

[News story: To boldly go where no Bill has gone before](#)

The Space Industry Bill to regulate commercial spaceflight from the UK has just had its third reading in the House of Lords. It has provided many opportunities for Star Trek jokes and, for members of the House of Lords during second reading, references to Dan Dare. For those of us lucky enough to have been working on it, it has been exciting, high-pressured and with plenty of scope to stretch yourself – not unlike space exploration, come to think about it.

Although commercial interplanetary travel is many years away, the government hopes this Bill will boost the UK space industry by enabling small satellite launches from UK spaceports. The Bill also regulates 'sub-orbital activities', such as flights of spaceplanes that go to high altitudes to give paying tourists a near-space experience, but do not go into orbit.

In case you don't know your USS Enterprise from your Virgin Galactic, a spaceplane is a vehicle that acts as an aircraft in the atmosphere (deriving lift from the air) but has a rocket motor too, so that it can operate where there is little or no atmosphere. Early flights will start and end in the same location but many years in the future spaceplanes will probably be a standard means of transport: a design proposed by one operator would take passengers from London to Sydney in 2 hours.

The UK Space Agency (UKSA), an executive agency of part of the Department for Business, Energy and Industrial Strategy (BEIS), the Department for Transport (DfT) and the Civil Aviation Authority (CAA) are all working together on the

Bill. The intention is that the CAA will regulate sub-orbital spaceplanes and UKSA will do likewise for space activities.

UKSA already does this under the Outer Space Act 1986. In practice it only regulates launches by UK nationals from overseas and operation of satellites once in orbit; there have been no launches to space from the UK. So the task was to set up a completely new legislative regime, including licensing, safety, security and enforcement. Not many countries regulate commercial spaceflight yet, but we looked at the legislation in those that do. Policy officials studied how the US does things, because it has the most advanced commercial spaceflight industry. New Zealand has just passed legislation regulating spaceflight and high altitude activities and Sweden is also working on it.

The Bill draws heavily on aviation legislation precedents. Many provisions are closely based on the Civil Aviation Act 1982.

GLD legal advisers in BEIS and DfT worked with policy colleagues to clarify the legal implications. We then instructed Parliamentary Counsel to draft the legislation. A back-and-forth process with drafts and responses followed. Working with 2 sets of policy clients, who had slightly different angles on the policy decisions, added another layer of complexity.

Technology, of course, changes all the time and one of the challenges with the Bill was to future-proof the legislation by leaving the technical details to secondary legislation.

We also had to anticipate scenarios or problems that no one had thought of yet by asking experts a series of 'what if' questions, such as: "What if a rocket goes away from the Earth but not into orbit?" and "What if a spaceplane goes off course?"

Bill work such as this not only gives the lawyers advising the department a close-up view of the fascinating process of making legislation, but the chance to shape that legislation. Sitting in the House of Lords watching peers debate provisions you have worked on and having the opportunity to assist policy colleagues in answering tricky legal issues which come up has been amazing.

Those of us who have worked on the Bill have now learned far more than we ever expected to about spaceflight. Rockets go really, mindblowingly fast for starters. Although the Bill has not yet become law, there is every hope that it will touch down in early 2018. The Space Industry Act ... another small step for mankind.

Press release: Charity Commission welcomes appointment of new legal board member

The Department for Digital, Culture, Media & Sport has appointed [Kenneth Dibble](#), currently Director of Legal Services at the Charity Commission, as the Commission's new legal board member. Kenneth will be relinquishing his executive role prior to joining the board in March 2018.

William Shawcross, Chairman of the Charity Commission, says:

I am delighted that Kenneth will be joining the Commission's Board as legal member next year. Kenneth has unparalleled mastery of charity law, a thorough understanding of modern regulation and extensive experience of senior executive leadership. The Commission, and the public, will benefit tremendously from his continued service. As my term of office as Chairman comes to an end, this appointment adds to my confidence that the organisation will be excellently guided in the future.

Kenneth Dibble says:

It is an honour to have been appointed to serve on the Charity Commission's board. Charities, and by extension the Commission as their regulator, play a central role in our society. Maintaining the legal integrity of the Commission's regulatory work is critical, and I look forward to continuing to support that element, and shaping the Commission's future, in my new role as legal board member.

Details about the appointment and the appointment process are available from the [Department for Digital, Culture, Media & Sport](#).

Press office

Press enquiries – out of hours 07785 748787

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News story: The Secretary of State for Digital, Culture, Media & Sport appoints Charity Commission Legal Board Member

Kenneth Dibble has for the last 15 years been the Charity Commission's Chief Legal Adviser and Legal Director. He has held a number of senior legal and operational roles within the commission and has extensive expertise and experience in all aspects of charity law and regulation of charities.

Kenneth is a qualified barrister (Lincoln's Inn, called 1977) and holds a Master's Degree in Law from University College, London. He also studied law at King's College, London and the College of Law. Prior to joining the commission and the Bar, he worked in banking and insurance and is an Associate of the Chartered Institute of Bankers. He is a Visiting Lecturer on Charity and Regulatory Law and Practice at Cass Business School and speaks and advises internationally on charity regulation.

As Legal Director, Kenneth has been responsible for leading and managing the legal services in the commission and assuring the legal integrity of the Commission's regulatory work and policies. Kenneth will step down from the role of Legal Director before he takes up the board member role.

Charity Commission Board Members are remunerated at £350 per day. This appointment has been made in accordance with the Cabinet Office's Governance Code on Public Appointments. The appointments process is regulated by the Commissioner for Public Appointments. Under the Code, any significant political activity undertaken by an appointee in the last five years must be declared. This is defined as including holding office, public speaking, making a recordable donation, or candidature for election. Kenneth Dibble has declared no such political activity.

News story: Protecting the future of peer-to-peer lending

Today the peer-to-peer lending industry was given a boost of confidence as the government began legislating to clarify that no business borrowing through a peer-to-peer platform needs to be regulated as a 'deposit taker'

(often referred to as a 'banking licence') unless that is their core business. The legislation will ensure that the industry can continue to thrive and innovate while still benefiting from the UK's high quality regulatory standards.

The draft legislation will provide certainty for UK businesses across a range of sectors including manufacturing, construction, and hospitality who finance their growth with peer-to-peer lending. Without this legislation, peer-to-peer platforms lacked clarity on whether some of their borrowers would require a 'banking licence' to borrow through their platform. This would have dramatically increased costs for platforms and borrowers, and impacted the sustainability of peer-to-peer business models, reducing the finance available to businesses.

Stephen Barclay, the Economic Secretary to the Treasury, said:

Peer-to-peer lending has brought about real benefits, not only for the UK's small and medium sized business community, but our economy at large. This vital clarification will mean that businesses can continue to access the finance they need to grow and expand, helping us to build an economy that is fit for the future.

Peer-to-peer lending is an increasingly important source of funding for UK businesses, especially smaller businesses. In 2016 over £1.2 billion of finance for businesses was facilitated by the peer-to-peer industry, and it provided the equivalent of 15% of all new bank lending to small businesses.