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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 493**

**The Waste Management Licensing  
Regulations (Northern Ireland) 2003**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Waste Management Licensing Regulations (Northern Ireland) 2003 and shall come into operation on 19th December 2003.

(2) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) In these Regulations, unless the context otherwise requires –

“the 1978 Order” means the Pollution Control and Local Government (Northern Ireland) Order 1978(2);

“the 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997;

“the 1998 Regulations” means the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998(3);

“the 2003 Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003(4);

“the Industrial Pollution Control Order” means the Industrial Pollution Control (Northern Ireland) Order 1997;

“the Water Order” means the Water (Northern Ireland) Order 1999(5);

“the Community Regulation” means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption(6) as amended by and as read with –

(a) Commission Regulation (EC) No. 808/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption(7);

(b) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures(8);

(c) Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs(9);

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(1) 1954 c. 33 (N.I.)

(2) S.I.1978/1049 (N.I. 19)

(3) S.R. 1998 No. 28

(4) S.R. 2003 No. 46

(5) S.I. 1999/662 (N.I. 6)

(6) O.J. No. L 273, 10.10.2002, p. 1

(7) O.J. No. L117, 13.5.2003, p. 1

(8) O.J. No. L117, 13.5.2003, p. 14

(9) O.J. No. L117, 13.5.2003, p. 22

- (d) Commission Decision [2003/320/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the use in feed of used cooking oil(10);
- (e) Commission Decision [2003/321/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the processing standards for mammalian blood(11);
- (f) Commission Decision [2003/326/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants(12); and
- (g) Commission Decision [2003/327/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them(13);

“the Directive” means Council Directive [75/442/EEC](#) on waste(14) as amended by Council Directives [91/156/EEC](#)(15), [91/692/EEC](#)(16) and Decision [96/350/EEC](#)(17);

“the End of Life Vehicles Directive” means Directive [2000/53/EC](#) of the European Parliament and of the Council(18) as amended by Commission Decision of 19th February 2002, [2002/151/EC](#)(19) and Commission Decision of 27th June 2002, [2002/525/EC](#)(20);

“animal by-products” has the meaning given by Article 2 of the Community Regulation;

“authorised treatment facility” means any establishment or undertaking carrying out the treatment of end of life vehicles under a waste management licence or a disposal licence and in compliance with Article 6 of the End of Life Vehicles Directive and Articles 9, 10 and 11 of the Directive;

“clinical waste” has the meaning given by regulation 2(1) of the Controlled Waste Regulations (Northern Ireland) 2002(21);

“construction work” includes the repair, alteration or improvement of existing works;

“depollute”, in relation to an end of life vehicle, means to carry out on it any of the operations described in paragraph 3 of Part II of Schedule 5 and only when all such operations have been completed shall a vehicle be regarded as “depolluted”; “depollution” and any cognate expressions shall be construed accordingly;

“disposal” includes any of the operations listed in Part II of Schedule 3, and any reference to waste being disposed of includes a reference to its being submitted to any of those operations;

“disposal licence” means a licence issued under Article 7 of the 1978 Order;

“end of life vehicle” means any vehicle designated as category M1 or N1 defined in Annex IIA to Directive [70/156/EEC](#)(22), and three wheel motor vehicles as defined in Directive [92/61/](#)

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(10) O.J. No. L117, 13.5.2003, p. 24

(11) O.J. No. L117, 13.5.2003, p. 30

(12) O.J. No. L117, 13.5.2003, p. 42

(13) O.J. No. L117, 13.5.2003, p. 44

(14) O.J. No. L194, 25.7.1975, p. 39

(15) O.J. No. L078, 26.3.1991, p. 32

(16) O.J. No. L377, 31.12.1991, p. 48

(17) O.J. No. L135, 6.6.1996, p. 328

(18) O.J. No. L269, 21.10.2000, p. 34

(19) O.J. No. L050, 21.02.2002, p. 94

(20) O.J. No. L170, 29.06.2002, p. 81

(21) S.R. 2002 No. 248 as amended

(22) O.J. No. L042, 23.02.1970, p. 0001-0015 as amended by Directive [98/91/EC](#) of the European Parliament and Council (O.J. No. L11, 16.01.1999, p. 25)

**EEC(23)** but excluding motor tricycles, which is waste within the meaning of Article 1(a) of Directive 75/442;

“European Waste Catalogue” means the list of wastes pursuant to Article 1(a) of the Directive and Article 1(4) of Directive 91/689/EEC on hazardous waste**(24)** set out in Commission Decision 2000/532/EC**(25)**; and “EWC Code” means any six-digit code set out in the Annex to Commission Decision 2000/532/EC which is used to describe a type of waste;

“exempt activity” means any of the activities set out in Part I of Schedule 2;

“impermeable pavement” means a pavement in the area where a waste recovery or storage operation takes place which is capable of containing any spillage of waste received and is connected to a drainage system with impermeable components which does not leak and which will ensure that –

- (a) no liquid will run off the pavement otherwise than via the drainage system; and
- (b) except where they may be lawfully discharged, all liquids entering the drainage system are collected in a sealed sump;

“operational land” has the meaning given by Article 2 of the Planning (General Development) Order (Northern Ireland) 1993**(26)**;

“recovery” includes any of the operations listed in Part III of Schedule 3, and any reference to waste being recovered includes a reference to its being submitted to any of those operations;

“resolution” means a resolution passed under Article 13 of the 1978 Order;

“scrap metal” has the meaning given by regulation 1(2) of the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002**(27)** except, unless otherwise stated, scrap metal shall not include end of life vehicles or their components unless and until such vehicles or their components have been depolluted in accordance with Part II of Schedule 5;

“special waste” has the meaning given by regulation 2 of the Special Waste Regulations (Northern Ireland) 1998**(28)**, except that it does not include radioactive waste within the meaning of the Radioactive Substances Act 1993**(29)**;

“treatment of end of life vehicles” means any activity after the end of life vehicle has been handed over to an authorised treatment facility for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredded wastes and any other operation carried out for the recovery and/or disposal of the end of life vehicle and its components;

“waste oil” means any mineral-based lubricating or industrial oil which has become unfit for the use for which it was originally intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil;

“waterway” has the meaning given by Article 2(2) of the Water Order;

“work” includes preparatory work.

(4) For the purposes of these Regulations a person carries on business as a scrap metal dealer if he carries on a business which consists wholly or partly of buying and selling scrap metal, whether the scrap metal sold is in the form in which it was bought or otherwise, other than a business in the course of which scrap metal is not bought except as materials for the manufacture of other articles and is not sold except as a by-product of such manufacture or as surplus materials bought but not required for such manufacture.

**(23)** O.J. No. L225, 10.08.1992, p. 0072-0100

**(24)** O.J. No. L377, 31.12.1991, p. 20

**(25)** O.J. No. L226, 6.9.2000, p. 3, as amended by Commission Decisions 2001/118/EC (O.J. No. L47, 16.2.2001, p. 1, 2001/119/EC (O.J. No. L047, 16.2.2001, p. 32) and 2001/573/EC (O.J. No. L203, 28.7.2001, p. 18)

**(26)** S.R. 1993 No. 278

**(27)** S.R. 2002 No. 271

**(28)** S.R. 1998 No. 289

**(29)** 1993 c. 12

## Offences

2. An offence is prescribed for the purposes of Article 3(3)(a) of the 1997 Order if it is an offence under any of the following enactments: –

- (a) section 114 of the Public Health (Ireland) Act 1878**(30)**;
- (b) section 98(3) and (4) of the Local Government Act (Northern Ireland) 1972**(31)**;
- (c) Articles 20(2), 34(1) and 39(3) of the Water and Sewerage Services (Northern Ireland) Order 1973**(32)**;
- (d) Articles 5, 7(4), 16(4), 18(2), 29, 38(4), 56, 72(3) of the 1978 Order;
- (e) regulation 17 of the Pollution Control (Special Waste) Regulations (Northern Ireland) 1981**(33)**;
- (f) Articles 52 and 53 of the Diseases of Animals (Northern Ireland) Order 1981**(34)**;
- (g) section 9(1) of the Food and Environment Protection Act 1985**(35)**;
- (h) regulation 28 of the Transfrontier Shipment of Hazardous Waste Regulations 1988**(36)**;
- (i) regulation 9 of the Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1988**(37)**;
- (j) regulation 15 of the Transfrontier Shipment of Waste Regulations 1994**(38)**;
- (k) paragraph 15(1), (3), (4) or (5) of Schedule 5 to the Finance Act 1996**(39)**;
- (l) Article 23(1) of the Industrial Pollution Control Order;
- (m) Articles 4, 5(8), 6(7), 12(12), 18, 22(6), 27(5), 28(5), 31(2), 38(1), 42(4), 43(9), 44(2) and 74 of the 1997 Order;
- (n) regulation 14 of the Merchant Shipping (Port Waste Reception Facilities) Regulations 1997**(40)**;
- (o) regulation 17 of the Special Waste Regulations (Northern Ireland) 1998;
- (p) Articles 7(1), 7(5), 9(4), 12(3), 19(1), 28(3) and 29(1) of the Water Order;
- (q) regulation 33(1) of the 2003 Regulations;
- (r) regulation 17 of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003**(41)**;
- (s) regulations 18(1), 22(1) of and paragraphs 12(1) and (2) and 14(5), (7) and (8) of Part I of Schedule 3 to these Regulations; or
- (t) regulations 31 and 42(1), (2) of the End of Life Vehicle Regulations 2003**(42)**.

## Technical competence

3.—(1) Subject to paragraph (2) and regulation 4, and without prejudice to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations

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**(30)** 1878 c. 52

**(31)** 1972 c. 9

**(32)** S.I. 1973/70 (N.I. 2)

**(33)** S.R. 1981 No. 252

**(34)** S.I. 1981/1115 (N.I. 22)

**(35)** 1985 c. 48

**(36)** S.I. 1988/1562

**(37)** S.I. 1988/2292

**(38)** S.I. 1994/1137

**(39)** 1996 c. 8

**(40)** S.I. 1997/3018

**(41)** S.I. 2003/1809

**(42)** S.I. 2003/2635

2002(43), Schedule 1 has effect to prescribe for the purposes of Article 3(3)(b) of the 1997 Order (management of activities to be in the hands of a technically competent person) the qualifications required of a person if that person is to be considered technically competent in relation to a facility of a type listed in Table 1.

(2) Paragraph (1) does not apply in relation to a facility which is used exclusively for the purpose of –

- (a) carrying on business as a scrap metal dealer;
- (b) dismantling motor vehicles including end of life vehicles; or
- (c) the burial of dead domestic pets.

#### **Technical competence – transitional provisions**

4.—(1) Where before 19th June 2004 a person has applied to the Waste Management Industry Training and Advisory Board(44) (“WAMITAB”) for a certificate of technical competence and at any time in the 12 months ending on that date he acted as the manager of a facility of a type listed in Table 1 for which the certificate is a relevant certificate, then, until 19th June 2007, regulation 3 shall not apply to him in relation to either –

- (a) any facility of that type; or
- (b) a facility of any other type if –
  - (i) the certificate is a relevant certificate for that other type of facility; and
  - (ii) the entry for that other type of facility appears, in Table 1, after the entry in that Table for the type of facility in respect of which he acted as the manager,

and until 19th June 2007 he shall be treated as technically competent for the purposes of Article 3(3)(b) of the 1997 Order in relation to any such facility in Northern Ireland.

(2) Where a person is 55 or over on 19th December 2003 and in the 10 years ending on that date he has had at least 5 years experience as the manager of a facility of a type listed in Table 1, then, until 19th December 2013, regulation 3 shall not apply to him in relation to either –

- (a) any facility of that type; or
- (b) a facility of any other type if each certificate which is a relevant certificate for the type of facility in relation to which he has had such experience as manager is also a relevant certificate for that other type of facility,

and until 19th December 2013 he shall be treated as technically competent for the purposes of Article 3(3)(b) of the 1997 Order in relation to any such facility in Northern Ireland.

(3) A person shall be treated as the manager of a facility for the purposes of paragraph (1) or (2) if at the relevant time he was the manager of activities which were carried on at that facility and which were authorised by –

- (a) a disposal licence;
- (b) a resolution;
- (c) a waste management licence;
- (d) an authorisation under the Industrial Pollution Control Order for a waste recovery or disposal activity;

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(43) S.I. 2002/2934, implementing Council Directive 92/51/EEC (O.J. No. L209, 24.7.1992, p. 25) on a second general system for the recognition of professional education and training. Part I of Schedule 2 (Professions Regulated by Law or Public Authority) designates WAMITAB as the authority for certified technically competent persons.

(44) WAMITAB is a private law body set up in 1989 by the waste management industry.

- (e) an activity prescribed under and in accordance with regulation 9 and Schedule 6 to the Waste Collection and Disposal Regulations (Northern Ireland) 1992<sup>(45)</sup> as cases where a disposal licence was not required in accordance therewith; or
- (f) an exemption provided under regulation 17 and paragraph 43 of Part I of Schedule 2 to these Regulations.

(4) Where a person was technically competent for the purposes of section 74(3)(b) of the Environmental Protection Act 1990<sup>(46)</sup> in relation to a facility immediately prior to 1st April 2003 (whether or not the management of the facility was in the hands of that person at that time), then, until 19th December 2005 that person shall be treated as technically competent in relation to that facility for the purposes of Article 3(3)(b) of the 1997 Order.

### **Pre-qualification technical competence**

5.—(1) Where: –

- (a) a person has applied to WAMITAB for a certificate of technical competence in relation to one of the types of facility mentioned in paragraph (2);
- (b) an application has been made for a waste management licence to authorise activities whose management is intended to be in that person's hands;
- (c) the activities mentioned in sub-paragraph (b) are to be carried on at a facility of the same type as that in relation to which the application mentioned in sub-paragraph (a) was made; and
- (d) the Department is satisfied that but for regulation 3 he would be a technically competent person,

then, in relation to the facility in respect of which the application mentioned in sub-paragraph (b) was made and until the expiry of two years from the grant of a licence pursuant to that application, regulation 3 shall not apply to that person and he shall be treated as technically competent for the purposes of Article 3(3)(b) of the 1997 Order.

(2) The types of facility mentioned in paragraph (1)(a) are all those listed in Table 1 other than any type of landfill site.

### **Notice of appeal**

6.—(1) A person who wishes to appeal to the Planning Appeals Commission under Article 17 or 36(5) of the 1997 Order (appeals to the Planning Appeals Commission from decisions with respect to licences or from determinations that information is not commercially confidential) shall do so by notice in writing.

(2) The notice shall be accompanied by –

- (a) a statement of the grounds of appeal;
- (b) where the appeal relates to an application for a waste management licence or for the modification, surrender or transfer of a waste management licence, a copy of the appellant's application and any supporting documents;
- (c) where the appeal relates to a determination under Article 36(2) or (4) of the 1997 Order that information is not commercially confidential, the information in question;
- (d) where the appeal relates to an existing waste management licence (including a waste management licence which has been suspended or revoked), a copy of that waste management licence;

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<sup>(45)</sup> S.R. 1992 No. 254

<sup>(46)</sup> 1990 c. 43

- (e) a copy of any correspondence relevant to the appeal;
- (f) a copy of any other document relevant to the appeal including, in particular, any relevant consent, determination, notice, planning permission under the Planning (Northern Ireland) Order 1991<sup>(47)</sup> or consent under the Water Order; and
- (g) a statement indicating whether the appellant wishes to appear before and be heard by the Planning Appeals Commission.

(3) On receipt of an appeal the Planning Appeals Commission shall give notice of the appeal to the Department together with copies of the documents mentioned in paragraph (2).

(4) If the appellant wishes to withdraw an appeal, he shall do so by notifying the Planning Appeals Commission in writing and shall send a copy of that notification to the Department.

### **Time limit for making an appeal**

7. Notice of appeal shall be given –

- (a) in the case of an appeal under Article 17 of the 1997 Order, before the expiry of the period of 2 months beginning with –
  - (i) the date of the decision which is the subject of the appeal; or
  - (ii) the date on which the Department is deemed by Article 8(6), 10(5), 13(9) or 14(6) of the 1997 Order to have refused the application;
- (b) in the case of an appeal under Article 36(5) of the 1997 Order, before the expiry of the period of 21 days beginning with the date on which the determination which is the subject of the appeal is notified to the person concerned.

### **Notification of determination**

8.—(1) The Planning Appeals Commission shall notify the appellant in writing of its decision and of its reasons.

(2) The Planning Appeals Commission shall, at the same time as notifying the appellant of its decision, send the Department a copy of any document sent to the appellant under this regulation.

### **Particulars to be entered in public registers**

9.—(1) Subject to Articles 35 and 36 of the 1997 Order and regulation 10, a register maintained by the Department under Article 34(1) of the 1997 Order shall contain full particulars of –

- (a) current or recently current waste management licences (“licences”) granted by the Department and any associated working plans;
- (b) current or recently current applications to the Department for licences, or for the transfer or modification of licences, including details of –
  - (i) documents submitted by applicants containing supporting information;
  - (ii) appropriate details of written representations considered by the Department under Article 8(5)(b), 9(6), 10(4) or 11(7) of the 1997 Order;
  - (iii) notices by the Department rejecting applications;
  - (iv) emergencies resulting in the postponement of references under Article 10(4)(a) of the 1997 Order;
- (c) notices issued by the Department under Article 10 of the 1997 Order effecting the modification of licences;

- (d) notices issued by the Department under Article 12 of the 1997 Order effecting the revocation or suspension of licences or imposing requirements on the holders of licences;
  - (e) notices of appeal under Article 17 of the 1997 Order relating to decisions of the Department and other documents relating to such appeals served on or sent to the Department under regulation 6(3) or (4) or 8(2);
  - (f) convictions of holders of licences granted by the Department for any offence under Part II of the 1997 Order (whether or not in relation to a licence) including the name of the offender, the date of conviction, the penalty imposed and the name of the Court;
  - (g) reports produced by the Department in discharge of any functions under Article 16 of the 1997 Order, including details of –
    - (i) remedial or preventive action taken by the Department under Article 16(2) of the 1997 Order;
    - (ii) notices issued by the Department under Article 16(4) of the 1997 Order;
  - (h) any monitoring information relating to the carrying on of any activity under a licence granted by the Department which was obtained by the Department as a result of its own monitoring or was furnished to the Department in writing by virtue of any condition of the licence or Article 44(1) of the 1997 Order;
  - (i) any summary prepared by the Department of the amount of special waste produced or disposed of;
  - (j) registers and records provided to any district council under regulation 14(5) or 15(1) of the Special Waste Regulations (Northern Ireland) 1998;
  - (k) applications to the Department under Article 13 of the 1997 Order for the surrender of licences, including details of –
    - (i) documents submitted by applicants containing supporting information and evidence;
    - (ii) information and evidence obtained under Article 13(4) of the 1997 Order;
    - (iii) appropriate details of written representations considered by the Department under Article 13(6)(b) of the 1997 Order; and
    - (iv) notices of determination and certificates of completion issued under Article 13(8) of the 1997 Order;
  - (l) reports produced under Article 73(2) of the 1997 Order by a person authorised under that Article;
  - (m) information on exempt activities in accordance with regulation 18(2).
- (2) The register shall also contain the following –
- (a) where a person authorised by the Department exercises any power under Article 72(2) of the 1997 Order, a record showing when the power was exercised and indicating what information was obtained, and what action was taken, on that occasion;
  - (b) where any information is excluded from the register by virtue of Article 36 of the 1997 Order and the information shows whether or not there is compliance with any condition of a waste management licence, a statement based on that information indicating whether or not there is compliance with that condition.

(3) For the purposes of this regulation, waste management licences are “recently” current for the period of twelve months after they cease to be in force, and applications for waste management licences, or for the transfer or modification of such licences, are “recently” current if they relate to a waste management licence which is current or recently current or, in the case of an application which is refused, for the period of twelve months beginning with the date on which the Department



gives notice of refusal or, as the case may be, on which the application is deemed by Article 8(6), 10(5) or 14(6) of the 1997 Order to have been refused.

### **Information to be excluded or removed from a register**

**10.**—(1) Nothing in regulation 9(1)(g) or (l) or regulation 9(2) shall require a register maintained by the Department under Article 34(1) of the 1997 Order to contain information relating to, or to anything which is the subject-matter of, any criminal proceedings (including prospective proceedings) at any time before those proceedings are finally disposed of.

(2) Nothing in regulation 9 shall require a register maintained by the Department under Article 34(1) of the 1997 Order to contain –

- (a) any such monitoring information as is mentioned in regulation 9(1)(h) after 4 years have elapsed from that information being entered in the register; or
- (b) any information which has been superseded by later information after 4 years have elapsed from that later information being entered in the register.

### **Mobile plant**

**11.**—(1) Plant of the following descriptions, if it is designed to move or be moved by any means from place to place with a view to being used at each such place or, if not so designed, is readily capable of so moving or being so moved, but no other plant, shall be treated as being mobile plant for the purposes of Part II of the 1997 Order –

- (a) an incinerator which is an exempt incinerator for the purposes of section 5.1 of Schedule 1 to the 1998 Regulations or Section 5.1 of Part I of Schedule 1 to the 2003 Regulations;
- (b) plant for –
  - (i) the recovery, by filtration or heat treatment, of waste oil from electrical equipment;
  - (ii) the destruction by dechlorination of waste polychlorinated biphenyls or terphenyls (PCBs or PCTs);
  - (iii) the collection or storage of a controlled substance from any waste product, installation or equipment;
- (c) plant for the vitrification of waste;
- (d) plant for the treatment of clinical waste;
- (e) plant for the treatment of waste soil;
- (f) plant for the dewatering of muds, sludges, soils and dredgings;
- (g) plant for the treatment by lime stabilisation of sludge;
- (h) plant for the treatment of contaminated material, substances or products, for the purpose of remedial action with respect to land or a waterway.

(2) In this regulation “controlled substance” means any one of the following: – chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1.1.1 trichloroethane, methyl bromide, hydrobromofluorocarbons, hydrochlorofluorocarbons.

### **Health at work**

**12.** No conditions shall be imposed in any waste management licence, disposal licence or resolution for the purpose only of securing the health of persons at work (within the meaning of Part I of the Health and Safety at Work (Northern Ireland) Order 1978(48)).

## Waste oils

13.—(1) Where a waste management licence, disposal licence or resolution authorises the regeneration of waste oil, it shall include conditions which ensure that base oils derived from regeneration do not constitute a toxic and dangerous waste and do not contain PCBs or PCTs at all or do not contain them in concentrations beyond a specified maximum limit which in no case is to exceed 50 parts per million.

(2) Where a waste management licence, disposal licence or resolution authorises the keeping of waste oil, it shall include conditions which ensure that it is not mixed with toxic and dangerous waste or PCBs or PCTS.

(3) In this regulation –

“PCBs or PCTs” means polychlorinated biphenyls, polychlorinated terphenyls and mixtures containing one or both of such substances; and

“toxic and dangerous waste” means any waste containing or contaminated by arsenic, arsenic compounds, mercury, mercury compounds, cadmium, cadmium compounds, thallium, thallium compounds, beryllium, beryllium compounds, chrome 6 compounds, lead, lead compounds, antimony, antimony compounds, phenols, phenol compounds, cyanides, organic and inorganic isocyanates, organic-halogen compounds, excluding inert polymeric materials and other substances referred to in this list or covered by other Directives concerning the disposal of toxic or dangerous waste, chlorinated solvents, organic solvents, biocides and phyto-pharmaceutical substances, tarry materials from refining and tar residues from distilling, pharmaceutical compounds, peroxides, chlorates, perchlorates and azides, ethers, chemical laboratory materials, not identifiable and/or new, whose effects on the environment are not known, asbestos (dust and fibres), selenium, selenium compounds, tellurium, tellurium compounds, aromatic polycyclic compounds (with carcinogenic effects), metal carbonyls, soluble copper compounds, acids and/or basic substances used in the surface treatment and finishing of metal; of such a nature, in such quantities or in such concentrations as to constitute a risk to health or the environment.

## Groundwater

14.—(1) Expressions used both in this regulation and in Council Directive [80/68/EEC\(49\)](#) have for the purposes of this regulation the same meaning as in that Directive.

(2) Where the Department proposes to issue a waste management licence authorising –

- (a) any disposal or tipping for the purpose of disposal of a substance in list I which might lead to an indirect discharge into groundwater of such a substance;
- (b) any disposal or tipping for the purpose of disposal of a substance in list II which might lead to an indirect discharge into groundwater of such a substance;
- (c) a direct discharge into groundwater of a substance in list I; or
- (d) a direct discharge into groundwater of a substance in list II,

the Department shall ensure that the proposed activities are subjected to prior investigation.

(3) The prior investigation referred to in paragraph (2) shall include examination of the hydrogeological conditions of the area concerned, the possible purifying powers of the soil and sub-soil and the risk of pollution and alteration of the quality of the groundwater from the discharge and shall establish whether the discharge of substances into groundwater is a satisfactory solution from the point of view of the environment.

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(49) O.J. No. L 020, 26.1.80, p. 43.

(4) A waste management licence shall not be issued in any case within paragraph (2) until the Department has checked that the groundwater, and in particular its quality, will undergo the requisite surveillance.

(5) In a case within paragraph (2)(a) or (c) –

(a) where the Department is satisfied, in the light of the investigation, that the groundwater which may be affected by a direct or indirect discharge of a substance in list I is permanently unsuitable for other uses, especially domestic and agricultural, the waste management licence may only be issued if the Department is also satisfied that –

(i) the presence of that substance once discharged into groundwater will not impede exploitation of ground resources; and

(ii) all technical precautions will be taken to ensure that no substance in list I can reach other aquatic systems or harm other ecosystems; and

(b) where the Department is not satisfied, in the light of the investigation, that the groundwater which may be affected by such a discharge is permanently unsuitable for other uses, especially domestic and agricultural, a waste management licence may only be issued if it is made subject to such conditions as the Department is satisfied will ensure the observance of all technical precautions necessary to prevent any discharges into groundwater of substances in list I.

(6) In a case within paragraph (2)(b) or (d), if a waste management licence is issued, it shall be issued subject to such conditions as the Department, in the light of the investigation, is satisfied will ensure the observance of all technical precautions for preventing groundwater pollution by substances in list II.

(7) Where a waste management licence is granted in any case within paragraph (2)(a) or (b), the licence shall be granted on such terms and subject to such conditions as specify –

(a) the place where any disposal or tipping which might lead to a discharge into groundwater of any substances in list I or II is to be done;

(b) the methods of disposal or tipping which may be used;

(c) the essential precautions which must be taken, paying particular attention to the nature and concentration of the substances present in the matter to be disposed of or tipped, the characteristics of the receiving environment and the proximity of the water catchment areas, in particular those for drinking, thermal and mineral water;

(d) the maximum quantity permissible, during one or more specified periods of time, of matter containing substances in list I or II and, where possible, of those substances themselves, to be disposed of or tipped and the appropriate requirements as to the concentration of those substances;

(e) the technical precautions required by paragraph (5)(b) or (6);

(f) if necessary, the measures for monitoring the groundwater, and in particular its quality.

(8) Where a waste management licence is granted in any case within paragraph (2)(c) or (d), the licence shall be granted on such terms and subject to such conditions as specify –

(a) the place where any substances in list I or II are to be discharged into groundwater;

(b) the method of discharge which may be used;

(c) the essential precautions which must be taken, paying particular attention to the nature and concentration of the substances present in the effluents, the characteristics of the receiving environment and the proximity of the water catchment areas, in particular those for drinking, thermal and mineral water;

- (d) the maximum quantity of a substance in list I or II permissible in an effluent during one or more specified periods of time and the appropriate requirements as to the concentration of those substances;
  - (e) the arrangements enabling effluents discharged into groundwater to be monitored;
  - (f) if necessary, the measures for monitoring the groundwater, and in particular its quality.
- (9) Any authorisation granted by a waste management licence for an activity within paragraph (2) shall be granted for a limited period only and shall be reviewed at least every 4 years.
- (10) The Department shall review all disposal licences and all resolutions which authorise any activity within paragraph (2) and shall, so far as may be necessary to give effect to Council Directive [80/68/EEC](#) exercise its powers under Articles 47(2) and (3) of the 1997 Order to apply Articles 10 and 12 of the 1997 Order (variation and revocation etc. of licences) in relation to any such authorisation.

### **Amendments to the Groundwater Regulations (Northern Ireland) 1998**

- 15.**—(1) The Groundwater Regulations (Northern Ireland) 1998<sup>(50)</sup> shall be amended as follows.
- (2) In regulation 2(1) (Interpretation) –
- (a) after the definition of direct discharge add –
    - ““existing disposal licence” and “existing resolution of a district council” shall have the meanings given by Article 47(1) of the Waste and Contaminated Land (Northern Ireland) Order 1997;” and
  - (b) at the end add –
    - ““waste management licence” means a waste management licence issued under the Waste and Contaminated Land (Northern Ireland) Order 1997.”.
- (3) At the end of regulation 3 (Exclusions from these Regulations) add –
- “(d) any activity for which a waste management licence has been granted or in respect of which an existing disposal licence or an existing resolution of a district council subsists.”.

### **Exclusion of activities under other control regimes from waste management licensing**

- 16.**—(1) Subject to paragraph (2), Article 4(1)(a), (b) and (c) of the 1997 Order shall not apply in relation to the carrying on of any of the following activities –
- (a) the deposit in or on land, recovery or disposal of waste under an authorisation granted under the Industrial Pollution Control Order where the activity is or forms part of a process designated for integrated central control under Article 3(4) of that Order;
  - (b) the disposal of waste under an authorisation granted under the Industrial Pollution Control Order where the activity is or forms part of a process within paragraph (a) of Part C of Section 5.1 (incineration) of Schedule 1 to the 1998 Regulations in so far as the activity results in releases of substances into the air;
  - (c) the deposit in or on land, recovery or disposal of waste under a permit granted under the 2003 Regulations to operate a Part A installation;
  - (d) the disposal of waste under a permit granted under the 2003 Regulations where the activity is or forms part of an activity within paragraph (a) or (b) of Part C of section 5.1 (incineration) of Part I of Schedule 1 to those Regulations in so far as the activity results in the release of substances into the air;

- (e) the discharge of liquid waste under a consent under the Water Order or the Water and Sewerage Services (Northern Ireland) Order 1973; and
  - (f) the recovery or disposal of waste where the activity is or forms part of an operation which is for the time being, either –
    - (i) the subject of a licence under Part II of the Food and Environment Protection Act 1985<sup>(51)</sup>; or
    - (ii) carried on in circumstances where such a licence would be required but for an order under section 7 of that Act.
- (2) Paragraph (1)(a), (b) and (d) does not apply insofar as the activity involves the final disposal of waste by deposit in or on land.
- (3) In paragraph (1)(c) “Part A installation” has the meaning given by regulation 2(2) of the 2003 Regulations.

### **Exemptions from waste management licensing**

- 17.—(1) Subject to the following provisions of this regulation and of regulations 18, 19 and 20 and to any conditions or limitations in Part I of Schedule 2, Article 4(1)(a) and (b) of the 1997 Order shall not apply in relation to the carrying on of any exempt activity.
- (2) In the case of an exempt activity which is carried out on land, paragraph (1) only applies if –
- (a) the exempt activity is carried on by or with the consent of the occupier of the land where the activity is carried on; or
  - (b) the person carrying on the exempt activity is otherwise entitled to do so on that land.
- (3) Unless otherwise indicated in Part I of Schedule 2, paragraph (1) does not apply to the carrying on of an exempt activity in so far as it involves special waste or treatment of end of life vehicles.
- (4) Paragraph (1) only applies in relation to an exempt activity by an establishment or undertaking if –
- (a) the type and quantity of waste submitted to the activity, and the method of disposal or recovery of waste is consistent with the need to attain the objectives mentioned in paragraph 4(1)(a) of Part I of Schedule 3;
  - (b) any information required under regulation 18(3) and 18(5) and the fee (if any) required under regulation 18(12) have been sent to the Department in the manner specified therein.
- (5) Subject to paragraph (6), paragraph (1) shall not apply to any exempt activity if that activity is carried out or is proposed to be carried out in or on land which is in the occupation of a person who is the holder of a licence for that land.
- (6) Paragraph (5) shall not apply where the establishment or undertaking has received written approval from the Department for the activity in question.
- (7) For the purposes of paragraph (5), any reference to a licence shall include a reference to an existing disposal licence or an existing resolution of a district council as defined in Article 47(1) of the 1997 Order.
- (8) Paragraph (4)(b) and regulations 18 to 20 shall not apply to exempt activities which are set out in paragraphs 27, 32, 33, 35, 37, 38, 39, 41, 42 or 43 of Part I of Schedule 2.

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<sup>(51)</sup> 1985 c. 48; Part II is amended by sections 146 and 147 of, and Part VIII of Schedule 16 to, the Environmental Protection Act 1990 (c. 43)

### **Registration in connection with exempt activities**

18.—(1) It shall be an offence for an establishment or undertaking to carry on, after 19th June 2004, an exempt activity without being registered with the Department.

(2) Subject to paragraph (3), the register maintained under Article 34(1) of the 1997 Order shall contain the following particulars in relation to each such establishment or undertaking which carries on an exempt activity –

- (a) the name and address of the establishment or undertaking, its telephone number and, if applicable, fax number and e-mail address;
- (b) the activity which constitutes the exempt activity;
- (c) the place or places where the activity is carried on; and
- (d) a copy of any information received by the Department under paragraphs (3) and (5).

(3) Subject to paragraphs (4) and (5), the Department shall enter the particulars referred to in paragraph (2) in the register in relation to an establishment or undertaking if it receives notice of them in writing and –

- (a) that notice is provided to it by or on behalf of that establishment or undertaking;
- (b) that notice is accompanied by a plan of each place at which any such exempt activity is carried on showing –
  - (i) the boundaries of that place;
  - (ii) the locations within that place at which the exempt activity is to be carried on;
  - (iii) the location and specifications of any impermeable pavements, drainage systems or hardstandings as are required by a relevant paragraph of Part I of Schedule 2.
- (c) that notice contains the correct 6 figure Ordnance Survey Irish grid reference showing the location of each place referred to in sub-paragraph (b);
- (d) that notice is accompanied by a payment of any fee in respect of each place where any such exempt activity is being carried on; and
- (e) the registration has not been refused under regulation 20.

(4) Paragraph 3(b) and (c) shall not apply to the exempt activities set out in paragraphs 8 and 31 of Part I of Schedule 2.

(5) In the case of exempt activities set out in paragraph 8, 9, 10, 11, 13, 19, or 45 of Part I of Schedule 2, any additional information specified in Part II of that Schedule shall be entered in the register.

(6) Subject to paragraph (7), the information to be notified to the Department shall be given in writing no later than 28 days before any exempt activity is carried out on the relevant land.

(7) In the case of an exempt activity set out in paragraph 47 of Part I of Schedule 2, the necessary information shall be notified to the Department as soon as is practicable.

(8) Subject to paragraph (9), the registration of an exempt activity shall cease to have effect on the expiry of the period of 3 years beginning with and including the date of the registration or the date of renewal under paragraph (11).

(9) In the case of exempt activities set out in paragraphs 9, 10, 11, 13, 19, 45, 46 and 47 of Part I of Schedule 2, paragraph (8) shall have effect as if for “3 years” there is substituted “1 year”.

(10) The Department shall, no later than 2 months before the expiry of the periods mentioned in paragraphs (8) and (9), serve on a registered establishment or undertaking a notice specifying –

- (a) the date on which the registration will expire; and
- (b) the effect of the expiry of the registration.

(11) The Department shall renew the particulars registered in respect of an exempt activity at the date of expiry of the previous registration relating to such activity (“the expiry date”) if no later than 28 days before the expiry date the establishment or undertaking carrying on such activity –

- (a) serves written notice on the Department of its desire to renew the registration;
- (b) pays on or before the expiry date the fee specified in accordance with paragraph (12) for such renewal;
- (c) confirms in such notice that there are no changes in the particulars registered in relation to that activity; or
- (d) if there are any such changes, specifies in such notice the details of the changes and provides the amended documents and/or plans as may be required under paragraphs (3) and (5) in relation to the activity.

(12) Subject to regulation 19(2), for the purposes of paragraph (3), the Department shall charge an applicant in respect of its consideration of his application –

- (a) in the case of exempt activities set out in paragraphs 1-8, 12, 14-18, 20-26, 28-31, 34, 36 and 40 and 44 of Part I of Schedule 2, a fee of £730 payable every 3 years; and
- (b) in the case of exempt activities set out in paragraphs 9-11, 13, 19 and 45-47 of Part I of Schedule 2, an annual fee of £530.

(13) On entering the particulars referred to in paragraph (2) in the register referred to in paragraph (2) the Department shall issue to the establishment or undertaking to whom the particulars relate, a notice confirming that such particulars have been so registered and giving the date of entry of such particulars on the register.

(14) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### **Registration obligations**

**19.**—(1) Subject to paragraph (2), in the case of an exempt activity set out in the first column of Part II of Schedule 2, the relevant obligations set out in the second column of that Schedule (“the registration obligations”) shall apply to the registration of that activity.

(2) The Department may notify an establishment or undertaking in writing that some or all of the information required by regulation 18 does not need to be included with any notification under that regulation.

(3) Without prejudice to any requirement to keep records under paragraph 14 of Part I of Schedule 3, an establishment or undertaking carrying out an exempt activity to which this regulation applies, shall keep copies of the plans and documents specified in Part II of Schedule 2 for a period of at least 2 years.

### **Refusal, revocation and cessation of registration**

**20.**—(1) The Department may refuse to register an exempt activity in the event that the activity or, as the case may be, the content of the notification under regulation 18 does not comply with any requirements of regulations 17(4), 18(2) and 18(3) or any conditions or limitations set out in respect of the exempt activity in regulation 19(1) and 19(2) and in Parts I and II of Schedule 2.

(2) Where the Department has refused to register an activity under paragraph (1), it shall serve a notice on the establishment or undertaking stating that the registration has been refused and giving the reasons for its decision.

(3) Unless the Department has within the period of 28 days from the date on which it received a notice under regulation 18(3), either –

- (a) entered the relevant particulars in the register in relation to the establishment or undertaking which submitted the notice; or
- (b) served on it a notice of refusal stating that registration is refused and giving reasons for that decision,

those particulars shall be entered in the register at the end of that 28 day period.

(4) If an establishment or undertaking fails to supply all of the information required under regulations 18 and 19, the 28-day period referred to in paragraph (3) shall commence on the date on which the Department receives all of that information.

(5) Subject to paragraphs (6) and (7), the Department may revoke the registration of an exempt activity where it is satisfied that –

- (a) the establishment or undertaking to which the relevant entry relates no longer exists or has ceased to carry out that activity; or
- (b) the activity is no longer being carried out in compliance with the conditions or limitations of the relevant paragraph of Part I of Schedule 2 or with the relevant provisions of regulation 17(2) or (4); or
- (c) there has been a breach of any of the registration obligations applicable to that activity.

(6) Before revoking a registration, the Department shall serve on the establishment or undertaking carrying out the exempt activity, a notice (“a revocation notice”) stating that the registration is to be revoked and giving reasons for the decision.

(7) The revocation notice shall specify a date on which the revocation is to take place, which shall be at least 28 days after the date on which the notice is served.

(8) Subject to paragraph (9), details of registrations which have expired or which have been revoked under paragraph (5) shall remain on the register for a period of 4 years from the date of expiry or revocation.

(9) An entry retained on the register under paragraph (8) shall be appropriately marked to show that it has expired or been revoked.

(10) Nothing in this regulation shall prejudice the effect of the registration of the establishment or undertaking in respect of the period ending on the date on which the relevant entry is revoked or otherwise cancelled.

## **Waste Framework Directive**

21. Schedule 3 (which implements certain provisions of the Directive) shall have effect.

## **Registration of brokers**

22.—(1) Subject to paragraphs (2) to (4), it shall be an offence for an establishment or undertaking after 19 August 2004 to arrange (as dealer or broker) for the disposal or recovery of controlled waste on behalf of another person unless it is a registered broker of controlled waste.

(2) Paragraph (1) shall not apply in relation to an arrangement under which an establishment or undertaking will itself carry out the disposal or recovery of the waste and either –

- (a) it is authorised to carry out the disposal or recovery of the waste by a waste management licence, a disposal licence, a resolution, an authorisation under Articles 6 to 12 of the Industrial Pollution Control Order, a permit under the 2003 Regulations, a discharge consent under Article 9 of the Water Order or a licence under Part II of the Food and Environment Protection Act 1985; or
- (b) the recovery of the waste is covered by an exemption conferred by –
  - (i) regulation 17(1) and Part I of Schedule 2; or



(ii) Article 3 of the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995<sup>(52)</sup>.

(3) Paragraph (1) shall not apply in relation to an arrangement for the disposal or recovery of controlled waste made by a person who is registered as a carrier of controlled waste, or who is registered for the purposes of paragraph 12(1) of Part I of Schedule 3, if as part of the arrangement he transports the waste to or from any place in Northern Ireland.

(4) Paragraph (1) shall not apply to –

- (a) a Government Department;
- (b) a district council; or
- (c) an establishment or undertaking which –
  - (i) is a charity within the meaning of section 35 of the Charities Act (Northern Ireland) 1964<sup>(53)</sup>;
  - (ii) is a voluntary body within the meaning of section 148 of the Local Government Act (Northern Ireland) 1972<sup>(54)</sup>;
  - (iii) applies before 19 August 2004 in accordance with Schedule 4 for registration as a broker of controlled waste but only whilst its application is pending (and paragraph 1(2) and (5) of Schedule 4 shall apply for the purpose of determining whether an application is pending).

(5) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) Article 78 of the 1997 Order shall apply in relation to an offence under this regulation as it applies in relation to an offence under that Order.

(7) Schedule 4 (which makes provision for the registration of brokers of controlled waste) shall have effect.

(8) Articles 44(1) and (2) and 72 of the 1997 Order (power to obtain information and powers of enforcing authorities) shall have effect as if the provisions of this regulation and Schedule 4 were provisions of Part II of that Order.

### **Amendment of the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995**

**23.**—(1) The Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995 shall be amended as follows.

(2) In Article 3, before “A licence is not needed”, there shall be inserted “Subject to Article 4,”.

(3) After Article 3, there shall be added the following Articles –

#### **“Provisions relating to exemptions involving waste**

**4.**—(1) Article 3 only applies to an establishment or undertaking in relation to an operation specified in the Schedule to this Order involving the recovery or disposal of waste if –

- (a) it is carrying out –
  - (i) its own waste disposal at the place of production; or
  - (ii) waste recovery; and
- (b) the type and quantity of waste involved, and the method of disposal or recovery, are consistent with the need to attain the objective of ensuring that waste is recovered

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<sup>(52)</sup> S.R. 1995 No. 234

<sup>(53)</sup> 1964 c. 33 (N.I.)

<sup>(54)</sup> 1972 c. 9 (N.I.)

or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without –

- (i) risk to water, air, soil, plants or animals; or
- (ii) causing nuisance through noise or odours; or
- (iii) adversely affecting the countryside or places of special interest.

(2) In this Article and in Article 5, “disposal” and “recovery” have the meaning given by regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003.

### **Registration of establishments and undertakings carrying on exempt operations**

5.—(1) It shall be an offence for an establishment or undertaking to carry on, after 19th June 2004, an exempt activity without being registered with the Department.

(2) It shall be the duty of the Department to establish and maintain a register for the purposes of paragraph (1) of establishments and undertakings carrying on exempt activities.

(3) The register shall contain the following particulars in relation to each such establishment or undertaking –

- (a) the name and address of the establishment or undertaking;
- (b) the activity which constitutes the exempt activity; and
- (c) the place where the activity is carried on.

(4) The Department shall enter those particulars in the register in relation to an establishment or undertaking if it receives notice of them in writing.

(5) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) The Department shall secure that any register maintained under this Article is available, at all reasonable times, for inspection by the public free of charge and shall afford to members of the public, facilities for obtaining copies of entries, on payment of reasonable charges.

(7) Registers under this Article may be kept in any form.

(8) In this Article, “exempt activity” means any operation specified in the Schedule involving the disposal or recovery of waste to which Article 3 applies.”.

### **Amendment of the Special Waste Regulations (Northern Ireland) 1998**

24.—(1) The Special Waste Regulations (Northern Ireland) 1998(55) shall be amended as follows.

(2) In regulation 1(4) the following definitions shall be inserted at the appropriate places –

“the 2003 Regulations” means the Waste Management Licensing Regulations (Northern Ireland) 2003;

“waste management licence” shall include a disposal licence and a resolution passed under Article 13 of the 1978 Order;.

(3) In regulation 14 (registers), for paragraphs (5), (6) and (7) there shall be substituted the following –

“(5) Subject to paragraphs (6) and (7), consignment notes and carrier’s schedules required by paragraph (3) to be kept by a person shall be retained until his waste management licence for the site in question is surrendered or revoked entirely, at which time he shall

send the register to the Department for the site; and the Department shall retain the register for not less than three years after its receipt.

(6) Where, by virtue of regulation 16(1)(a) or (b) of the 2003 Regulations, Article 4(1) (a), (b) and (c) of the 1997 Order does not apply to any of the activities carried on at a site at which special waste is received, paragraph 5 shall have effect as if any reference to the surrender or revocation of a person's waste management licence were a reference to the surrender or revocation of his authorisation under the Industrial Pollution Control (Northern Ireland) Order 1997 for the site in question.

(6A) Where, by virtue of regulation 16(1)(c) or (d) of the 2003 Regulations, Article 4(1) (a), (b) and (c) of the 1997 Order does not apply to any of the activities carried on at a site at which special waste is received, paragraph (5) shall have effect as if any reference to the surrender or revocation of a person's waste management licence were a reference to the surrender or revocation of his permit under the Pollution Prevention and Control Regulations (Northern Ireland) 2003 for the site in question.

(7) Where, in circumstances other than those mentioned in paragraph (6) or (6A), Article 4(1)(a) and (b) of the 1997 Order does not apply to any of the activities carried on at a site at which special waste is received, each consignment note and carrier's schedule required to be kept in a register shall be kept in that register for not less than three years from the date on which the consignment of special waste to which it relates was received at the site to which it was transported.”.

#### **Amendment of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999**

**25.**—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999(**56**) shall be amended as follows.

(2) In regulation 1(2), the following definitions shall be inserted at the appropriate place –

“the 2003 Regulations” means the Waste Management Licensing Regulations (Northern Ireland) 2003;

“the Community Regulation” means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption as amended by and as read with –

- (a) Commission Regulation (EC) No. 808/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption;
- (b) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures;
- (c) Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs;
- (d) Commission Decision 2003/320/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the use in feed of used cooking oil;

- (e) Commission Decision [2003/321/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the processing standards for mammalian blood;
  - (f) Commission Decision [2003/326/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants; and
  - (g) Commission Decision [2003/327/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them;”.
- (3) For regulation 2(1)(d) there shall be substituted –
- “(d) any wholly owned subsidiary of the Northern Ireland Railways Company Limited which has applied in accordance with these Regulations for registration as a carrier of controlled waste but only –
- (i) if it is registered under paragraph 12 of Part I of Schedule 3 to the 2003 Regulations; and
  - (ii) whilst its application is pending.”.

(4) For regulation 2(1)(j), there shall be substituted –

“(d) subject to paragraph (1A) a person transporting animal by-products provided that such transportation –

    - (i) is by the holder of an approval in accordance with the Community Regulation;
    - (ii) is in connection with the activity to which that approval relates; and
    - (iii) only involves waste which is animal by-products.”.

(5) After regulation 2(1), there shall be inserted –

“(1A) Regulation 2(1)(j) shall not apply to the transportation of animal by-products –

      - (a) for the purposes of their final deposit in or on land or for the purposes of their incineration or co-incineration;
      - (b) which are dead domestic pets; or
      - (c) which comprise or contain either catering waste or waste which is former foodstuffs unless such waste is to be fed to animals in accordance to Article 23(2) of the Community Regulation.

(1B) For the purpose of paragraph (1A), the reference to feeding waste to animals shall be taken to include a reference to feeding such waste to maggots.”.

(6) In regulation 2(2) –

      - (a) for the definition of “animal by-products” there shall be substituted –
 

““animal by-products” has the meaning given by Article 2 of the Community Regulation;”; and
      - (b) the following definitions shall be inserted at the appropriate places –
 

““catering waste”, “incineration” and “co-incineration” shall have the meaning set down in Annex I to the Community Regulation;

“former foodstuffs” are those animal by-products referred to in Article 6(1)(f) of the Community Regulation;

“wholly owned subsidiary” has the same meaning as in Article 4 of the Companies (Northern Ireland) Order 1986.”.

- (7) After regulation 4(6), there shall be inserted the following paragraphs –
- “(6A) Where an applicant wishes to apply to be registered both as a broker and as a carrier of controlled waste, he may make a combined application on a form provided by the Department for that purpose.
- (6B) Where an applicant wishes to apply both for the renewal of his registration as a broker of controlled waste and for the renewal of his registration as a carrier of controlled waste, he may make a combined application on a form provided by the Department for that purpose.”.
- (8) For regulation 4(7), there shall be substituted –
- “(7) The Department shall provide a copy of the appropriate application form free of charge to any person requesting one.”.
- (9) For regulation 4(8), there shall be substituted –
- “(8) The Department shall charge an applicant in respect of its consideration of his application –
- (a) subject to paragraph (c), in the case of either an application for registration as a carrier of controlled waste or a combined application for registration as both a carrier and broker of controlled waste, £120;
- (b) in the case of either an application for the renewal of a registration as a carrier of controlled waste or a combined application for renewal of registration both as a carrier and as a broker of controlled waste, £60;
- (c) in the case of an application by a registered broker of controlled waste for registration as a carrier of controlled waste, £30,
- and the applicant shall pay the charge when he makes his application.”.
- (10) After regulation 4(10) there shall be inserted –
- “(11) In this regulation –
- “broker of controlled waste” has the same meaning as in regulation 22 of, and Schedule 4 to, the 2003 Regulations;”.

### **End of Life Vehicles Directive**

**26.**—(1) Schedule 5 (which implements certain provisions of the End of Life Vehicles Directive) shall have effect.

(2) A waste management licence or a disposal licence for the storage or treatment of end of life vehicles shall be granted on terms and subject to conditions that meet the requirements of Schedule 5 and, where necessary, the Department shall issue or vary the conditions of a licence to require that the conditions of Schedule 5 apply to the storage or treatment of any waste motor vehicle of any type or description or to end of life vehicles in accordance with the provisions of the End of Life Vehicles Directive and its measures to protect the environment and prevent harm to human health.

(3) A waste management licence shall not be granted to an applicant for a waste management licence that includes the storage and treatment of end of life vehicles unless the Department is satisfied that the applicant will become the person having control over the storage and treatment of those vehicles in the event of a licence being granted and that the applicant will ensure that any treatment will comply with conditions attached to the licence including the requirements of Schedule 5.

(4) Any establishment or undertaking carrying on the treatment of end of life vehicles in accordance with a waste management licence or a disposal licence and the requirements of Schedule 5 shall be referred to as an authorised treatment facility.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## Revocations

**27.**—(1) The Waste Collection and Disposal Regulations (Northern Ireland) 1992(**57**) in so far as not already revoked are hereby revoked.

(2) The Waste Collection and Disposal (Amendment) Regulations (Northern Ireland) 1997(**58**) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 28th November 2003.

L.S.

*Judena Goldring*  
A Senior Officer of the  
Department of the Environment

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(57) S.R. 1992 No. 254  
(58) S.R. 1997 No. 52