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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 493**

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

**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>(1)</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>(2)</sup>;
  - (ii) is a voluntary body within the meaning of section 148 of the Local Government Act (Northern Ireland) 1972<sup>(3)</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.

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(1) S.R. 1995 No. 234  
(2) 1964 c. 33 (N.I.)  
(3) 1972 c. 9 (N.I.)

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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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(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.