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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 464**

**Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2004**

**PART V**

**BURIAL OF UNUSED ON-BOARD CATERING SUPPLIES IN LANDFILLS**

**Approval of landfills**

**30.**—(1) Any person disposing of material in accordance with regulation 29 by burial in a landfill shall only do so in a landfill approved under this regulation.

(2) The Department shall only approve a landfill under paragraph (1) for the purposes of disposal of material under regulation 29 if it is satisfied that –

- (a) the material will be buried without undue delay so as to prevent access to it by wild birds;
- (b) the operator has taken adequate steps to prevent access to the unrestored and current working area of the landfill by ungulates; and
- (c) the operator will comply with any conditions of the approval.

(3) The approval shall be in writing, may be made subject to conditions, and may be amended or suspended by notice in writing in accordance with regulation 32.

(4) If the Department refuses to grant an approval under paragraph (1), or grants an approval subject to a condition, it shall by notice in writing served on the applicant –

- (a) give the reasons; and
- (b) explain the right of the applicant to make written representations to the Department or to appear before and be heard by an independent person appointed by the Department in accordance with regulation 33.

**Operators of landfills**

**31.**—(1) The operator of a landfill approved under regulation 30(1) shall –

- (a) maintain and operate the premises in accordance with the requirements in paragraph 30(2) (a) and (b) and any conditions of the approval;
- (b) ensure that any person employed by him, and any person permitted to enter the premises comprising the landfill complies with those requirements and conditions;
- (c) comply with the record-keeping requirements contained in Article 9 of Regulation (EC) No. 1774/2002; and
- (d) keep equivalent records for material referred to in regulation 29(3).

(2) The records required to be kept under this regulation may be in written or electronic form and shall be kept for at least 2 years from the date of disposal of the consignment to which it relates.

### **Amendment, suspension and revocation of approvals**

**32.**—(1) Where, in the case of any landfill, the Department is satisfied that any condition of the approval under regulation 30(1) is no longer fulfilled, or that the requirements in regulation 30(2) (a) and (b) are not being complied with, or that it is necessary to do so for public or animal health reasons, it may, by notice in writing served on the operator, suspend the approval.

(2) Where, in the case of any landfill, the Department is satisfied that any condition of the approval should be amended for public or animal health reasons, it may, by notice in writing served on the operator, amend the approval.

(3) Subject to paragraph (5) a suspension under paragraph (1) or an amendment under paragraph (2) –

- (a) shall have immediate effect if the Department is satisfied that it is necessary for it to do so for the protection of public or animal health; but
- (b) otherwise shall not have effect for at least 21 days following service of the notice of the suspension or amendment.

(4) The notice in paragraph (1) or (2) shall –

- (a) give the reasons for the suspension or amendment; and
- (b) explain the right of the operator of the landfill to make written representations to the Department or to be heard by an independent person appointed by the Department in accordance with regulation 33.

(5) Where there is an appeal under regulation 33, a suspension or amendment under paragraph (1) or (2) shall not have effect (except in any case to which paragraph (3)(a) applies) until the final determination by the Department in accordance with that regulation.

(6) Where the Department has suspended an approval under paragraph (1), and –

- (a) no appeal is brought in accordance with regulation 33; or
- (b) the Department upholds the suspension following such an appeal,

it may by notice in writing revoke the approval provided that it is satisfied, taking into account all the circumstances of the case, that the landfill will not be operated in accordance with the requirements of regulation 30(2)(a) or (b) or the conditions, if any, of the approval.

### **Appeals**

**33.**—(1) A person on whom a notice is served under paragraph (4) of regulation 30 or paragraph (1) or (2) of regulation 32 may within 21 days beginning with the day on which the notice is served request the Department to appeal the decision in question and for that purpose –

- (a) provide written representations to the Department; or
- (b) give notice in writing that he wishes to appear before and be heard by an independent person appointed by the Department.

(2) Where an appellant gives notice of his wish to appear before and be heard by an independent person appointed for the purpose the Department shall appoint an independent person to hear representations and shall specify a time limit within which representations to that independent person must be made.

(3) The person so appointed shall not, except with the consent of the appellant, be an officer or servant of the Department.

(4) If the appellant so requests, any hearing under paragraph (2) shall be in public.

(5) The independent person appointed under this regulation shall report his conclusions and the reasons for his conclusions to the Department and if the appellant so requests, the Department shall provide him with a copy of the independent person's report.

(6) The Department shall give to the appellant written notification of its final determination and the reasons for it.

(7) In this regulation "appellant" means any person requesting an appeal under paragraph(1).