
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 300

The Hazardous Waste Regulations (Northern Ireland) 2005

PART 3

APPLICATION

Application of Regulations to domestic asbestos waste

13.—(1) Subject to paragraphs (2) to (4) below and Regulation 14, these Regulations apply to hazardous waste including waste that was produced on or removed from premises in England, Scotland, Wales, or Gibraltar; or which is, or is to be, transported to a place in one of those jurisdictions, and to any consignment of waste transported on any ship in the internal waters and the territorial sea of the United Kingdom adjacent to Northern Ireland, whether or not the ship is registered in the United Kingdom, or if a United Kingdom registered ship, whether or not registered in Northern Ireland.

(2) Except as provided for in paragraphs (3) and (4) below these regulations apply to domestic asbestos waste, except in so far as the Regulations would, apart from this paragraph, impose obligations on a person to whom paragraph (3) applies.

(3) This paragraph applies to a person who is both the original producer of the domestic waste and who is either—

- (a) a person who resides at the domestic premises at which the asbestos waste arises; or
- (b) a person who is acting on behalf of such a person without reward.

(4) In the application of these Regulations to the asbestos waste—

- (a) not being domestic waste; and
- (b) produced in the course of any of the activities of construction, modification, repair and maintenance (including structural works) or demolition of domestic premises or any part thereof,

(5) These Regulations operate in relation to a domestic occupier who has engaged any person, other than a person mentioned in paragraph (3)(b), for the carrying out of any such activity so as to treat that person as the producer of the domestic asbestos waste to the exclusion of the occupier.

Separately collected domestic fractions

14.—(1) This regulation applies to separately collected domestic fractions, that is to say, hazardous waste which is—

- (a) domestic waste; and
- (b) collected from the premises on which it is produced separately from the collection of other waste from those premises.

(2) For the purposes of paragraph (1), hazardous waste may be considered to be collected separately from the collection of other waste notwithstanding that it is collected at the same time or on the same vehicle or both, provided that the hazardous waste is not mixed with the other waste.

- (3) These Regulations apply to separately collected fractions, provided that—
- (a) nothing in this regulation imposes any obligations in relation to such waste on any person other than an establishment or undertaking which collects, transports, recovers or disposes of such waste; and
 - (b) where pursuant to sub-paragraph (a) these Regulations do not apply to the person who, but for this sub-paragraph, would be treated as the consignor, the person who collects the waste shall be treated as the consignor.

Radioactive waste

15.—(1) This regulation applies where radioactive waste within the meaning of section 2 of the Radioactive Substances Act 1993(1)—

- (a) is exempt for the time being from the requirements of—
 - (i) section 13 (disposal of radioactive waste); or
 - (ii) section 14 (accumulation of radioactive waste), of that Act by or pursuant to section 15 of that Act; and
- (b) has one or more hazardous properties arising other than from its radioactive nature.

(2) Notwithstanding regulation 3(1)(b)(ii), radioactive waste to which this regulation applies is treated as waste for the purposes of these Regulations, and accordingly it is treated as hazardous waste and these Regulations apply to that waste.

Agricultural waste

16.—(1) These Regulations do not apply to agricultural waste before 1st September 2006, but apply on and after that date to agricultural waste whenever it became waste.

(2) For the purpose of this regulation, “agricultural waste” means waste from premises used for agriculture within the meaning of the Agricultural Act (Northern Ireland) 1949(2).

Mines and quarries waste

17. These Regulations do not apply to waste from a mine or quarry(3) before 1st September 2006, but apply on and after that date to such waste whenever it became waste.

(1) 1993. c. 12. This Act extends to Northern Ireland by virtue of section 51(3)

(2) 1949 c. 2 (see section 43(1) — On the expiration of the exclusion from Waste Management Licensing of agricultural waste, the waste referred to in Article 2(1)(b)(iii) of the Waste Directive (animal carcasses and the following agricultural waste: faecal matter and other natural, non-dangerous substances used in farming) will continued to be excluded pursuant to regulation 3(1)(b)(ii) of these Regulations, where “other legislation” within the meaning of the Waste Directive covers it

(3) Waste from a mine or quarry ceases to be excluded from the definition of controlled waste on the same date; however, since the narrower class of waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries is excluded from the Waste Directive under Article 2(1)(b)(ii) when covered by other legislation, since [planning legislation] applies, that class will neither be covered by these Regulations nor as controlled waste (regulation 7A of S.I. 1992/588)