
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 280

The Waste Management Regulations (Northern Ireland) 2006

Amendment of Part I of Schedule 3: Waste Framework Directive, etc.

25.—(1) In paragraph 10 (Modifications of Part II of the Pollution Control and Local Government (Northern Ireland) Order 1978) for “waste as defined in the 1997 Order” substitute “Directive waste”.

(2) In paragraph 11 (References to “waste” in planning and water legislation) for “waste as defined in the 1997 Order” substitute “Directive waste”.

(3) In paragraph 12 (Registration by professional collectors and transporters of waste, and by dealers and brokers) for sub-paragraphs (1) and (2) substitute—

“(1) Subject to sub-paragraph (3), it shall be an offence for an establishment or undertaking falling within—

(a) sub-paragraph (a), (b), (d), (g) or (h) of regulation 2(1) of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999; or

(b) sub-paragraph (j) or (l) of that paragraph after 31st January 2007;

to collect or transport waste on a professional basis unless it is registered in accordance with the provisions of this paragraph.

(2) Subject to sub-paragraph (3), it shall be an offence for an establishment or undertaking falling within—

(a) sub-paragraph (a), (b) or (c)(i) - (iii) of regulation 22(4); and

(b) sub-paragraph (c)(iv) or (v) of that paragraph after 31st January 2007;

to arrange for the recovery or disposal of waste on behalf of another person unless it is registered in accordance with the provisions of this paragraph.”.

(4) In paragraph 14 (record keeping)—

(a) in sub-paragraph (4) for “45 and 46” substitute “45, 46 or 47A”;

(b) for sub-paragraph (9) substitute—

“(9) Regulation 43(6) of the Hazardous Waste Regulations (Northern Ireland) 2005 (Offence where act or default causes offence by another) shall apply to an offence under this paragraph as it applies to an offence under that regulation.”; and

(c) after sub-paragraph (9) insert—

“(10) Subject to sub-paragraph (11), a person guilty of an offence under this paragraph shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction or indictment to a fine or to imprisonment for a term not exceeding two years or both.

(11) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale if that offence is related

to exempt activities conferred by regulation 17(1) and paragraphs 9, 10, 11, 13, 19, 46 or 47A of Part I of Schedule 2.”