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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 159**

**The Waste Batteries and Accumulators (Treatment and Disposal) Regulations (Northern Ireland) 2009**

**Amendment of the Hazardous Waste Regulations (Northern Ireland) 2005**

5.—(1) In regulation 2(1) (General interpretation) of the Hazardous Waste Regulations (Northern Ireland) 2005<sup>(1)</sup> there shall be inserted in the appropriate place—

““automotive battery or accumulator” means any battery or accumulator used for automotive starter, lighting or ignition power;

“battery or accumulator” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable);

“battery pack” means any set of batteries or accumulators that are connected together or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open;

“distributor” means any person that provides batteries or accumulators on a professional basis to an end-user;

“electric vehicle” means a vehicle which uses electricity as a source of power for propulsion and includes a vehicle which in addition uses, or is capable of using, other sources of power for this purpose;

“industrial battery or accumulator” means any battery, accumulator or battery pack which is—

- (a) designed exclusively for industrial or professional uses;
- (b) used as a source of power for propulsion in an electric vehicle;
- (c) unsealed but is not an automotive battery or accumulator; or
- (d) sealed but is not a portable battery or accumulator;

“portable battery or accumulator” means any battery, accumulator or battery pack which—

- (a) is sealed;
- (b) can be hand-carried by an average natural person without difficulty; and
- (c) is neither an automotive battery or accumulator nor an industrial battery or accumulator;

“waste battery or accumulator” means any battery or accumulator which is waste within the meaning of Article 1(1)(a) of Directive [2006/12/EC](#) of the European Parliament and of the Council on waste<sup>(2)</sup>”.

(2) For regulation 19 (Prohibition on mixing hazardous waste without a permit) there shall be substituted—

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(1) [S.R. 2005 No. 300](#) as amended by [S.R. 2005 No. 461](#) and [S.R. 2006 No. 280](#)

(2) [O.J. No. L114, 27.4.2006](#), p. 9

**“Prohibition on mixing hazardous waste without a permit**

**19.**—(1) Subject to paragraphs (2) to (4), no establishment or undertaking which carries out the disposal or recovery of hazardous waste, or which produces, collects or transports hazardous waste, shall mix any hazardous waste.

(2) The prohibition in paragraph (1) shall not apply so as to prohibit a process by which waste is produced and which results in the production of mixed wastes, being a process other than one which mixes a waste with any other waste substance or material, resulting in—

- (a) a change in the nature or composition of that waste; or
- (b) the production of another waste.

(3) Paragraph (1) above shall not apply to the extent that the mixing is authorised by and is in compliance with the conditions of a permit.

(4) Paragraph (1) above shall not apply to the extent that the mixing occurs in relation to the storage of waste portable batteries or accumulators at a collection point where “collection point” means a place where end-users are able to deposit waste portable batteries or accumulators at the premises of a distributor fulfilling its duty to take back such waste portable batteries or accumulators under Article 8(1)(b) of Directive [2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive [91/157/EEC](#)(3).”.

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(3) O.J. No. L266, 26.9.2006, p. 1