
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 127

The Waste Regulations (Northern Ireland) 2011

PART 3

Waste

Interpretation of Part 3

9.—(1) In this Part the following definitions apply:-

[^{F1}“appropriate authority” means the Department of Agriculture, Environment and Rural Affairs;]

[^{F2}“best available techniques” [^{F3}has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003];]

“bio-waste” means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;

“broker” means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

“collection” means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

“co-mingled collection” means the collection of waste streams intended for recycling together with each other but separately from other waste;

^{F4}
...

“dealer” means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

“disposal” means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy (and Annex I to the Waste Framework Directive sets out a non-exhaustive list of disposal operations);

[^{F5}“EU-derived domestic legislation” has the meaning given by section 2(2) of the European Union (Withdrawal) Act 2018;]

“hazardous waste” has the same meaning as given in regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005 (waste which displays one or more of the hazardous properties listed in Annex III of the Waste Framework Directive);

“holder” means the producer of the waste or the natural or legal person who is in possession of it;

“household waste” means waste generated by households;

[^{F6}“Industrial Emissions Directive” means Directive [2010/75/EC](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention control);]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, PART 3. (See end of Document for details)

“Landfill Directive” means Council Directive [1999/31/EC](#) on the landfill of waste, as last amended by Directive (EU) 2018/850, read in accordance with regulation 9B; and

“local authority” means a district council established under section 1 of the Local Government Act (Northern Ireland) 1972;]

“material recovery” means any recovery operation, excluding energy recovery and the reprocessing into materials which are used as fuel;

[^{F7}“Mining Waste Directive” means Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with regulation 9C;]

[^{F8}“municipal waste” means—

- (a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture; and
- (b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households;

but does not include waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or waste generated by construction and demolition activities;]

“pollution of the environment” means pollution of the environment due to the release or escape (into any environmental medium) from—

- (a) the land on which waste is treated;
- (b) the land on which waste is kept;
- (c) the land in or on which waste is deposited;
- (d) fixed plant by means of which waste is treated, kept or disposed of,

of substances or articles constituting or resulting from the waste and capable (by reason of the quantity or concentrations involved) of causing harm to humans or to any other living organisms supported by the environment; and this definition applies in relation to mobile plant by means of which waste is treated or disposed of as it applies to fixed plant on land by means of which waste is treated or disposed of;

“preparing for re-use” means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

“prevention” means measures taken before a substance, material or product has become waste, that reduce—

- (e) the quantity of waste, including through the re-use of products or the extension of the life span of products;
- (f) the adverse impacts of the generated waste on the environment and human health; or
- (g) the content of [^{F9}hazardous] substances in materials and products;

“producer” means any person whose activities produce waste (original waste producer) or any person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

“public consultees” means the persons to whose attention proposals for the waste prevention programme are brought by the Department pursuant to regulation 15(1)(b);

[^{F10}“recovery” means any operation the principal result of which is the waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared for that function, in the plant or in the wider economy. [^{F11}Annex II to the Waste Framework Directive] sets out a non-exhaustive list of recovery operations;]

“recycling” means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

“regeneration of waste oils” means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;

“re-use” means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

“separate collection” means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

“the Industrial Pollution Control Order” means the Industrial Pollution Control (Northern Ireland) Order 1997;

“the Waste Framework Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste [^{F12}as last amended by Directive [^{F13}(EU) 2018/851]] [^{F14}and as read in accordance with regulation 9D];

“the Waste Hierarchy” means the priority order which shall apply to the prevention and management of waste as follows—

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery, e.g. energy recovery; and
- (e) disposal;

“treatment” means recovery or disposal operations, including preparation prior to recovery or disposal;

“waste” means any substance or object which the holder discards or intends or is required to discard;

“waste management” means the collection, transport, recovery and disposal of waste, including the supervision of such operations, the after-care of disposal sites, and actions taken as a dealer or broker;

“waste prevention programme” means one or more programmes of waste prevention measures established in accordance with regulation 10;

“waste producer” means any person whose activities produce waste (original waste producer) or any person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste.

(2) Subject to regulation 25, these regulations do not apply in relation to waste which is excluded from the scope of the waste framework directive by Articles 2(1), (2) or (3) of that Directive.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, PART 3. (See end of Document for details)

Textual Amendments

- F1** Words in [reg. 9\(1\)](#) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(a)**
- F2** Words in [reg. 9\(1\)](#) substituted (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 1 para. 29(a)**
- F3** Words in [reg. 9\(1\)](#) substituted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(b)**
- F4** Words in [reg. 9](#) omitted (18.12.2020) by virtue of [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(2)(a)**
- F5** Words in [reg. 9\(1\)](#) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(c)**
- F6** Words in [reg. 9\(1\)](#) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(d)** (as amended by [S.R. 2020/284](#), regs. 1(1), **4(5)(a)**)
- F7** Words in [reg. 9\(1\)](#) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(e)**
- F8** Words in [reg. 9](#) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(2)(b)**
- F9** Word in [reg. 9](#) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(2)(e)**
- F10** Words in [reg. 9\(1\)](#) substituted (15.7.2016) by [The Waste \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/95\)](#), regs. 1(1), **7(2)(b)**
- F11** Words in [reg. 9](#) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(2)(c)**
- F12** Words in [reg. 9\(1\)](#) added (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 1 para. 29(b)**
- F13** Words in [reg. 9](#) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(2)(d)**
- F14** Words in [reg. 9\(1\)](#) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(f)**

Commencement Information

- I1** Reg. 9 in operation at 8.4.2011, see [reg. 1\(1\)](#)

[^{F15}Modification of the Industrial Emissions Directive

9A.—(1) For the purposes of these Regulations, the Industrial Emissions Directive is to be read as follows.

(2) In Article 3—

- (a) in paragraph 1(a), for the words from “Article 1” to the end there were substituted “Article 4(78) of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation”;
- (b) in paragraph 10(b), for “Member State in question” there were substituted “United Kingdom”;
- (c) in paragraph 23, for the words from “point 1” to the end there were substituted “point 1 of the second subparagraph of Article 2 of Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs”; and

- (d) in paragraph 37, for the words from “Directive 2008/98/EC” to the end there were substituted “the Waste Framework Directive, read with Articles 5 and 6 of that Directive”.
- (3) In Annex 1—
- (a) in the words before point 1, the second paragraph were omitted;
- (b) in point 5.3—
- (i) in point (a), in the words before point (i), for “Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment” there were substituted “the Urban Waste Water Treatment Regulations (Northern Ireland) 2007”; and
- (ii) in point (b), in the words before point (i), for “Directive 91/271/EEC” there were substituted “the Urban Waste Water Treatment Regulations (Northern Ireland) 2007”;
- (c) in point 5.4, for “Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste” there were substituted “the Landfill Directive”;
- (d) in point 6.9, for “Directive 2009/31/EC” there were substituted “the EU-derived domestic legislation which transposed Directive 2009/31/EC”; and
- (e) in point 6.11, for “Directive 91/271/EEC” there were substituted “the Urban Waste Water Treatment Regulations (Northern Ireland) 2007”.

Textual Amendments

F15 Regs. 9A-9E inserted (31.12.2020) by The Waste (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/271), regs. 1, 5(3) (as amended by S.I. 2019/1443, regs. 1(2), 3; 2020 c. 1, Sch. 5 para. 1(1) and S.R. 2020/284, regs. 1(1), 4(2)(5))

Modification of the Landfill Directive

- 9B.**—(1) For the purposes of these Regulations, the Landfill Directive is to be read as follows.
- (2) In Article 2—
- (a) in point (a)—
- (i) “‘waste’, ‘hazardous waste’, ‘non-hazardous waste’” were omitted; and
- (ii) for the words “Directive 2008/98/EC” there were substituted “the Waste Framework Directive”;
- (b) after point (a) there were inserted—
- “(aa) ‘waste’ has the meaning given by regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003;
- (bb) ‘hazardous waste’ and ‘non-hazardous waste’ have the meaning given in regulation 2(1) of the Hazardous Waste Regulations (Northern Ireland) 2005;”;
- (3) In Article 3(2), “Without prejudice to existing Community legislation,” were omitted.

Textual Amendments

F15 Regs. 9A-9E inserted (31.12.2020) by The Waste (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/271), regs. 1, 5(3) (as amended by S.I. 2019/1443, regs. 1(2), 3; 2020 c. 1, Sch. 5 para. 1(1) and S.R. 2020/284, regs. 1(1), 4(2)(5))

Modification of the Mining Waste Directive

9C.—(1) For the purposes of these Regulations, the Mining Waste Directive is to be read as follows.

(2) A reference to one or more member States in a provision imposing an obligation or providing a discretion on a member State or member States is to be read as a reference to the appropriate authority or local authority which, immediately before IP completion day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in Northern Ireland.

(3) In Article 2—

- (a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy were a reference to that Article read in accordance with regulation 9E;
- (b) paragraphs 3 and 4 were omitted.

(4) In Article 3—

- (a) in point (1), for “Article 1(a) of Directive [75/442/EEC](#)” there were substituted “ Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive ”;
- (b) in point (2), for “Article 1(4) of Council Directive [91/689/EEC](#) of 12 December 1991 on hazardous waste” there were substituted “ Article 3(2) of the Waste Framework Directive ”;
- (c) in point (4), for the words from “the national law” to the end there were substituted “ national law ”;
- (d) in point (17), for “Directive [67/548/EEC](#) or Directive [1999/45/EC](#)” there were substituted “ Regulation [\(EC\) No 1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures”;
- (e) in point (18), for “Article 2(11) of Directive [96/61/EC](#)” there were substituted “ Article 3(10) of the Industrial Emission Directive ”;
- (f) in point (24), for the words from “the national law” to “takes place” there were substituted “ national law ”;
- (g) in point (26), for the words from “the national” to “operates,” there were substituted “ national law ”;
- (h) in point (27), for “which a Member State designates” there were substituted “ designated ”; and
- (i) in point (29), for “competent authority” there were substituted “ appropriate authority ”.

(5) In Article 5—

- (a) in paragraphs 2(a)(iii) and (b), “at Community level” were omitted;
- (b) in paragraph 3—
 - (i) in the first subparagraph, in point (g), for “Directive [2000/60/EC](#)” there were substituted “ the EU-derived domestic legislation which transposed Directive [2000/60/EC](#) of the European Parliament and of the Council in respect of Northern Ireland ”; and
 - (ii) in the second subparagraph, for “competent authority” there were substituted “ appropriate authority ”;
- (c) in paragraph 4, in the second sentence, for “competent authority” there were substituted “ appropriate authority ”;

- (d) in paragraph 5, “or Community” were omitted;
- (e) paragraph 6 were omitted.
- (6) In Article 6—
 - (a) in paragraph 2, the words from “Without prejudice” to “92/104/EEC,” were omitted;
 - (b) in paragraph 3, in the third subparagraph, for “competent authority” in both places it occurs there were substituted “ appropriate authority ”.
- (7) In Article 7—
 - (a) in paragraph 1—
 - (i) in the first subparagraph, in the first sentence, for “competent authority” there were substituted “ appropriate authority ”; and
 - (ii) in the second subparagraph, in the first sentence—
 - (aa) “or Community” were omitted; and
 - (bb) for “competent authority” there were substituted “ appropriate authority ”;
 - (b) in paragraph 2(e), the reference to Directive [85/337/EEC](#) were a reference to the EU-derived domestic legislation which transposed Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment in respect of Northern Ireland;
 - (c) in paragraph 3—
 - (i) in the words before point (a), for “competent authority” there were substituted “ appropriate authority ”; and
 - (ii) in point (b), for “Article 7 of Directive [75/442/EEC](#)” there were substituted “ Article 13 of the Waste Framework Directive ”;
 - (d) in paragraph 4—
 - (i) in the words before the first indent, for “competent authorities” there were substituted “ appropriate authority ”; and
 - (ii) the third indent were omitted; and
 - (e) in paragraph 5, “and Community” were omitted.
- (8) In Article 9 for “competent authorities” there were substituted “ appropriate authority ”.
- (9) In Article 10, paragraph 2 were omitted.
- (10) In Article 11—
 - (a) in paragraph 2—
 - (i) in the words before point (a), for “competent authority” there were substituted “ appropriate authority ”; and
 - (ii) in point (a)—
 - (aa) the words “Community or” were omitted; and
 - (bb) for “Directives [76/464/EEC](#), [80/68/EEC](#) and [2000/60/EC](#)” there were substituted “ the EU-derived domestic legislation which transposed Directive [2000/60/EC](#) in respect of Northern Ireland ”;
 - (b) in paragraph 3—
 - (i) for “competent authority” in each place it occurs there were substituted “ appropriate authority ”; and
 - (ii) in the third subparagraph, for “competent authorities” there were substituted “ appropriate authority ”.

- (11) In Article 12—
- (a) in paragraphs 2(b), 2(c) and 3, for “competent authority” there were substituted “appropriate authority”;
 - (b) in paragraph 4—
 - (i) for “competent authority” in both places it occurs there were substituted “appropriate authority”; and
 - (ii) “national or Community” were omitted; and
 - (c) in paragraph 5—
 - (i) for “competent authority” there were substituted “appropriate authority”; and
 - (ii) for the words from “Community” to “2000/60/EC” there were substituted “retained EU law, in particular the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of Northern Ireland”.
- (12) In Article 13—
- (a) in paragraph 1, in the words before point (a)—
 - (i) for “competent authority” there were substituted “appropriate authority”;
 - (ii) the word “Community” were omitted; and
 - (iii) for “Directive 2000/60/EC” there were substituted “the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of Northern Ireland”;
 - (b) in paragraph 3—
 - (i) for “Directives 76/464/EEC, 80/68/EEC or 2000/60/EC” there were substituted “the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of Northern Ireland”; and
 - (ii) for “competent authority” there were substituted “appropriate authority”;
 - (c) in paragraph 4, for “Directives 76/464/EEC, 80/68/EEC and 2000/60/EC” there were substituted “the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of Northern Ireland”;
 - (d) in paragraph 5, in the second sentence—
 - (i) for “competent authority” there were substituted “appropriate authority”;
 - (ii) for “Community” there were substituted “retained EU law”; and
 - (iii) for “Directive 2000/60/EC” there were substituted “the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of Northern Ireland”; and
 - (e) in paragraph 6, in the second subparagraph, for “competent authority” there were substituted “appropriate authority”.
- (13) In Article 14(1) and (4), for “competent authority” there were substituted “appropriate authority”.
- (14) In Article 17, for “competent authority” in each place it occurs (including the heading), there were substituted “appropriate authority”.
- (15) In Article 24(4), in the second indent—
- (a) “Community or” were omitted; and
 - (b) for “competent authority” there were substituted “appropriate authority”.
- (16) In Annex 3—

- (a) in the second indent, for “under Directive [91/689/EEC](#)” there were substituted “ the Waste Framework Directive ”; and
- (b) in the third indent, for “Directives [67/548/EEC](#) or [1999/45/EC](#)” there were substituted “ Regulation (EC) No [1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures ”.

Textual Amendments

F15 Regs. 9A-9E inserted (31.12.2020) by The Waste (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/271), regs. 1, **5(3)** (as amended by S.I. 2019/1443, regs. 1(2), **3**; 2020 c. 1, Sch. 5 para. 1(1) and S.R. 2020/284, regs. 1(1), **4(2)(5)**)

Modification of the Waste Framework Directive

9D.—(1) For the purposes of these Regulations, the Waste Framework Directive is to be read as follows.

(2) A reference to one or more member States in a provision imposing an obligation or providing a discretion on a member State or member States is to be read as a reference to the appropriate authority or local authority which, immediately before IP completion day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in Northern Ireland.

(3) In Article 2—

(a) in paragraph 2—

- (i) in the words before point (a), for “other Community legislation” there were substituted “ retained EU law ”;
- (ii) in points (b) and (c), for “Regulation (EC) No [1774/2002](#)” there were substituted “ Regulation (EC) No [1069/2009](#) ”; and
- (iii) in point (d), for “Directive [2006/21/EC](#)” to the end there were substituted “ the Mining Waste Directive ”;

(b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” were omitted; and

(c) paragraph 4 were omitted.

(4) In Article 3, in point (20), for “Article 2(11) of Directive [96/61/EC](#)” there were substituted “ Article 3(10) of the Industrial Emissions Directive ”.

(5) Article 5 is to be read as if—

(a) in paragraph 1, the words “Member States shall take appropriate measures to ensure that” were omitted;

(b) after paragraph 1 there were inserted—

“**1A.** Any decision as to whether a substance or object is a by-product must be made—

- (a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and
- (b) having regard to any guidance published by the appropriate authority for the purposes of this Article.”;

(c) paragraphs 2 and 3 were omitted.

(6) Article 6 is to be read as if—

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Changes to legislation: There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, PART 3. (See end of Document for details)

- (a) in paragraph 1, the words “Member States shall take appropriate measures to ensure that” were omitted;
- (b) after paragraph 1 there were inserted—
 - “**1A.** Any decision as to whether a substance or object has ceased to be waste must be made—
 - (a) in accordance with any regulations or retained direct EU legislation setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
 - (b) having regard to any guidance published by the appropriate authority for the purposes of this Article.”;
- (c) in paragraph 2—
 - (i) the first sub-paragraph were omitted;
 - (ii) in the second subparagraph, for the words “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;
 - (iii) the third and fourth subparagraphs were omitted;
- (d) paragraph 3 were omitted;
- (e) in paragraph 4—
 - (i) in the first sub-paragraph—
 - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a), the appropriate authority”;
 - (bb) the second sentence were omitted;
 - (ii) in the second subparagraph—
 - (aa) for the words “Member States” there were substituted “The appropriate authority”;
 - (bb) “by competent authorities” were omitted.
- (7) Article 7 is to be read as if—
 - (a) before paragraph 1 there were inserted—
 - “**A1.** In this Article, the “list of waste” means the list contained in the Annex to Commission [Decision 2000/532/EC](#), as that list has effect in Northern Ireland.”;
 - (b) in paragraph 1—
 - (i) the first and second sentences were omitted;
 - (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission [Decision 2000/532/EC](#), be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
 - (c) paragraphs 2, 3, 6 and 7 were omitted.
- (8) In Article 16—
 - (a) in paragraph 1, in the first sub-paragraph—
 - (i) the words from “, in cooperation with” to “advisable,” were omitted; and
 - (ii) “, taking into account best available techniques” were omitted; and
 - (b) in paragraph 2—

- (i) for “Community as a whole to become” there were substituted “United Kingdom as a whole to move towards the aim of becoming”; and
- (ii) the words “and to enable Member States to move towards that aim individually,” were omitted.

(9) In Article 23(1) and (3), for “competent authority” there were substituted “ appropriate authority ”.

(10) Article 35(1) is to be read as if, for the second paragraph, there were substituted—
“They shall make that data available to the appropriate authority through any electronic registry established for the reporting of such data or, if no such registry is in operation, in such form and manner the appropriate authority may specify.”;

(11) In Annex 3, in entry HP9, in the second sentence, “in the Member States” were omitted.

(12) In Annex 4—

- (a) in paragraph 3, “at Community level” were omitted;
- (b) in paragraph 6, for “this Directive and Directive 96/61/EC” there were substituted “ Annex 3, Part 3 of the Hazardous Waste Regulations (Northern Ireland) 2005”;
- (c) in paragraph 7, for “96/61/EC”, there were substituted “ the Industrial Emissions Directive ”; and
- (d) in paragraph 10, the words “EMAS and” were omitted.

(13) In paragraph (12)(c), the reference to the Industrial Emissions Directive is to be construed as a reference to the EU-derived domestic legislation which transposed that Directive in respect of Northern Ireland.

(14) Annex 4a is to be read as if, in point 6, “including through Union funds” were omitted.

Textual Amendments

F15 Regs. 9A-9E inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(3)** (as amended by S.I. 2019/1443, regs. 1(2), 3; 2020 c. 1, Sch. 5 para. 1(1) and S.R. 2020/284, regs. 1(1), **4(2)(5)**)

Modification of Directive 2000/60/EC of the European Parliament and of the Council

9E. For the purposes of regulation 9C(3)(a), Article 11(3)(j) of Directive 2000/60/EC of the European Parliament and of the Council is to be read as if—

(1) the reference to “Member States” were a reference to the appropriate authority or local authority which, immediately before IP completion day, was able to exercise the discretion described in the Article in respect of Northern Ireland; and

(2) in the words after the sixth indent, “environmental objectives” means—
“in relation to a river basin district in Northern Ireland, the objectives set under regulation 12, in accordance with regulation 13, of the Water Environment (Water Framework Directive) (Northern Ireland) Regulations 2017;]

Textual Amendments

F15 Regs. 9A-9E inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(3)** (as amended by S.I. 2019/1443, regs. 1(2), 3; 2020 c. 1, Sch. 5 para. 1(1) and S.R. 2020/284, regs. 1(1), **4(2)(5)**)

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, PART 3. (See end of Document for details)

Establishment of waste prevention programmes

- 10.—(1) The Department shall, not later than 12th December 2013—
- (a) evaluate the usefulness of the waste prevention measures set out as examples in [^{F16}the Schedule] and such other waste prevention measures as the Department thinks fit; and
 - (b) establish one or more waste prevention programmes.
- (2) A programme established before the coming into operation of this provision may be considered a waste prevention programme for the purposes of this provision.

Textual Amendments

F16 Words in reg. 10(1)(a) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(3)**

Commencement Information

I2 Reg. 10 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Purposes, etc. of waste prevention programmes

- 11.—(1) The Department shall ensure that a waste prevention programme—
- (a) is established in accordance with Articles 1 and 4 of the Waste Framework Directive;
 - [^{F17}(aa) includes one of more programmes of food waste prevention measures;]
 - (b) has as its purpose a contribution towards breaking the link between economic growth and the environmental impacts associated with the generation of waste;
 - (c) is expressed in writing and sets out the objectives of the waste prevention programme and a description of existing [^{F18}waste prevention measures and their contribution to waste prevention;]
 - (d) if it is integrated into the waste management strategy or other programme, is clearly identified as a waste prevention programme [^{F19};
 - [^{F20}(e) sets out at least the waste prevention measures in the Schedule; and
 - (f) where relevant, describes the contribution of instruments listed in Part 4 of Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997.]

Textual Amendments

F17 Reg. 11(1)(aa) inserted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(4)(a)**

F18 Words in reg. 11(1)(c) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(4)(b)**

F19 Word in reg. 11(1)(d) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(4)(c)**

F20 Reg. 11(1)(e)(f) inserted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(4)(d)**

Commencement Information

I3 Reg. 11 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Monitoring and evaluation of waste prevention programmes

12.—(1) The Department shall—

- [^{F21}(a) establish appropriate qualitative and quantitative indicators and targets, such as on the quantity of waste that is generated, against which to monitor and assess the implementation of the waste prevention measures; and]
- (b) publish the benchmarks and any targets or indicators it establishes.

Textual Amendments

F21 Reg. 12(1)(a) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(5)**

Commencement Information

I4 Reg. 12 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Review and modification of waste prevention programmes

13.—(1) The Department ^{F22}...—

- (a) shall review each waste prevention programme at least every sixth year; and
- (b) may from time to time modify the waste prevention programmes in accordance with Article 30 of the Waste Framework Directive.

Textual Amendments

F22 Word in [reg. 13\(1\)](#) omitted (30.11.2013) by virtue of [The Waste \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/241\)](#), regs. 1(1), **3**

Commencement Information

I5 Reg. 13 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Public participation in waste prevention programmes

14.—(1) Regulations 15 and 16 apply to the modification of a waste prevention programme as they apply to the preparation of such a programme.

(2) Regulations 15 and 16 do not apply to a waste prevention programme—

- (a) designed for the sole purpose of serving national defence or taken in case of civil emergencies;
- (b) for which a public participation procedure is carried out under the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004(1);
- (c) containing only provision relating to separation collection of waste, bio-waste, re-use, preparing for re-use, recovery and recycling targets;

(3) Steps taken before the coming into operation of these Regulations in relation to a waste prevention programme may be steps for the purposes of regulations 15 and 16.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, PART 3. (See end of Document for details)

Commencement Information

I6 Reg. 14 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Public participation procedures

15.—(1) As soon as reasonably practicable after preparing proposals for a waste prevention programme or for the modification of such a waste prevention programme, the Department shall—

- (a) send a copy of the proposals to the consultation bodies;
- (b) take such steps as it considers appropriate to bring the proposals to the attention of the persons who in the Department's opinion—
 - (i) are, or are likely to be affected by the waste prevention programme; or
 - (ii) have an interest in the waste prevention programme;
- (c) inform the public consultees of the address (which may include a website)—
 - (i) at which a copy of the proposals may be viewed; and
 - (ii) from which a copy of the proposals may be obtained;
- (d) invite the consultation bodies and public consultees to express their opinion on the proposals, specifying the address to which, and the period within which opinions must be sent.

(2) The period referred to in paragraph (1)(d) must be of such length as will ensure that the consultation bodies and the public consultees are given an early and effective opportunity to express their opinion on the proposals.

(3) The Department shall keep a copy of the proposals for inspection by the public at all reasonable times free of charge.

(4) Nothing in paragraph (1)(c) requires the Department to provide copies of the proposals free of charge, but where a charge is made, it shall be a reasonable amount.

Commencement Information

I7 Reg. 15 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Procedures following public participation

16.—(1) Before decisions on a waste management programme are made, the Department shall take account of any opinions expressed by a consultation body or public consultees.

(2) As soon as reasonably practicable after making decisions on a waste prevention programme the Department shall—

- (a) inform the consultation bodies and the public consultees of the matters in paragraph (3);
- (b) take such steps as it considers appropriate to bring the matters in paragraph (3) to the attention of the public; and
- (c) if it has adopted the waste prevention programme, place a copy of the programme on the Department's website and make a copy of the programme available for inspection by the public at all reasonable times and free of charge.

(3) The matters are—

- (a) the decisions made by the Department on the waste prevention programme;

- (b) the reasons and considerations on which those decisions are based; and
- (c) information about the public participation procedure.

(4) Nothing in paragraph (2)(c) requires the Department to provide copies free of charge, but where a charge is made, it shall be a reasonable amount.

Commencement Information

18 Reg. 16 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Duty in relation to the waste hierarchy (coming into operation 8 October 2011)

17.—(1) It shall be the duty of any person who imports, produces, collects, carries, keeps, treats or disposes of waste, or as a broker or dealer has control of controlled waste, on the transfer of such waste to take all such measures available to that person as are reasonable in the circumstances to apply the waste hierarchy priority order in accordance with Article 4 of the Waste Framework Directive.

(2) An establishment or undertaking may depart from the waste hierarchy priority order so as to achieve the best overall environmental outcome where this is justified by life-cycle thinking on the overall impacts of the generation and management of the waste;

(3) When considering the overall impacts mentioned in paragraph (2), the following considerations shall be taken into account—

- (a) the general environmental protection principles of precaution and sustainability;
- (b) technical feasibility and economic viability;
- (c) protection of resources;
- (d) the overall environmental, human health, economic and social impacts.

(4) The duty in paragraph (1) shall not apply to an occupier of domestic property as respects the household waste produced on the property.

(5) The Department may give guidance on the discharge of the duty in paragraph (1).

(6) A person discharging the duty in paragraph (1) shall, in doing so, have regard to any guidance given under paragraph (5).

Commencement Information

19 [Reg. 17](#) in operation at 8.10.2011, see [reg. 1\(2\)](#)

Duties in relation to collection of waste

18.—(1) A district council, when collecting waste paper, metal, plastic or glass shall^{F23} ..., take all such measures to ensure separate collection of that waste as are available to it ^{F24} ... [^{F25}.]

^{F26}(a)

^{F27}(b)

(2) A district council, when making arrangements for the collection of waste paper, metal, plastic or glass, shall^{F28} ... take measures to ensure that those arrangements are by way of separate collection.

[^{F29}(3) The duties in this regulation apply where separate collection is necessary to ensure that waste undergoes preparing for re-use, recycling or other recovery operations in accordance with the

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waste hierarchy and the protection of human health and the environment and to facilitate or improve preparing for re-use, recycling or recovery, unless one of the following conditions is met—

- (a) collecting the waste paper, metal, plastic or glass together results in output from those operations which is of comparable quality to that achieved through separate collection;
- (b) separate collection of the waste does not deliver the best environmental outcome when considering the overall environmental impacts of the management of the relevant waste streams;
- (c) separate collection of the waste is not technically feasible taking into consideration good practices in waste collection; or
- (d) separate collection of the waste would entail disproportionate economic costs taking into account the costs of adverse environmental and health impacts of mixed waste collection and treatment, the potential for efficiency improvements in waste collection and treatment, revenues from sales of secondary raw materials as well as the application of the polluter-pays principle and extended producer responsibility.]

Textual Amendments

- F23** Words in [reg. 18\(1\)](#) omitted (18.12.2020) by virtue of [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), [10\(6\)\(a\)\(i\)](#)
- F24** Words in [reg. 18\(1\)](#) omitted (18.12.2020) by virtue of [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), [10\(6\)\(a\)\(ii\)](#)
- F25** Word in [reg. 18\(1\)](#) inserted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), [10\(6\)\(a\)\(ii\)](#)
- F26** [Reg. 18\(1\)\(a\)](#) omitted (18.12.2020) by virtue of [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), [10\(6\)\(a\)\(iii\)](#)
- F27** [Reg. 18\(1\)\(b\)](#) omitted (18.12.2020) by virtue of [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), [10\(6\)\(a\)\(iii\)](#)
- F28** Words in [reg. 18\(2\)](#) omitted (18.12.2020) by virtue of [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), [10\(6\)\(b\)](#)
- F29** [Reg. 18\(3\)](#) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), [10\(6\)\(c\)](#)

Commencement Information

- I10** [Reg. 18](#) in operation at 1.1.2015, see [reg. 1\(3\)](#)

Duty in relation to collected waste

19.—^[F30](1) Subject to paragraph (2), a district council which collects, transports or receives waste must ensure that where that waste has been separately collected it is not mixed with other material with different properties.

(2) The duty in paragraph (1) applies where keeping waste separate is necessary to ensure that waste undergoes preparing for re-use, recycling or other recovery operations in accordance with the waste hierarchy and the protection of human health and the environment and to facilitate or improve preparing for re-use, recycling or recovery, unless one of the following conditions is met—

- (a) mixing certain types of waste together results in output from those operations which is of comparable quality to that achieved through keeping waste separate;
- (b) keeping waste separate does not deliver the best environmental outcome when considering the overall environmental impacts of the management of the relevant waste streams;

- (c) keeping waste separate is not technically feasible taking into consideration good practices in waste collection; or
- (d) keeping waste separate would entail disproportionate economic costs taking into account the costs of adverse environmental and health impacts of mixed waste collection and treatment, the potential for efficiency improvements in waste collection and treatment, revenues from sales of secondary raw materials as well as the application of the polluter-pays principle and extended producer responsibility.]

Textual Amendments

F30 Reg. 19(1)(2) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(7)**

Commencement Information

I11 Reg. 19 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Duty in relation to collected waste by private operators

20. The duties under regulations 18 and 19 shall apply equally to a person required to be registered as a carrier of controlled waste for the purposes of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999(2) as they apply to district councils.

Commencement Information

I12 Reg. 20 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Co-mingled waste

^{F31}**21.**

Textual Amendments

F31 Reg. 21 revoked (30.11.2013) by [The Waste \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/241\)](#), regs. 1(1), **4**

Enforcement notices

22.—(1) If the Department considers that a person required to be registered as a carrier of controlled waste for the purposes of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 or the Waste Management Licensing Regulations (Northern Ireland) Regulations 2003(3) has contravened regulations 18, or 19 it shall serve a compliance notice, restoration notice or suspension notice, as applicable, on that person.

(2) Paragraph 1 shall not apply to a district council.

(3) For the purposes of this regulation, a “compliance notice” is a notice in writing requiring a person to take specified steps within a specified period to secure that a contravention of regulation 18 or 19 does not continue or recur.

(2) [S.R. 1999 No. 362](#)
(3) [S.R. 2003 No. 493](#)

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Changes to legislation: There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, PART 3. (See end of Document for details)

- (4) A compliance notice shall—
- (a) specify the contravention;
 - (b) specify the steps which shall be taken to secure that the contravention does not continue or recur;
 - (c) specify the period within which those steps shall be taken; and
 - (d) give information as to the rights of appeal (including the period within which an appeal shall be brought).

(5) For the purposes of this regulation, a “restoration notice” is a notice requiring a person, to take specified steps within a specified period to secure that the position is, so far as possible, restored to what it would have been if a contravention of regulations 18 or 19 had not occurred.

- (6) A restoration notice shall—
- (a) specify the contravention;
 - (b) specify the steps which shall be taken to secure restoration;
 - (c) specify the period within which those steps shall be taken; and
 - (d) give information as to the rights of appeal (including the period within which an appeal shall be brought).

(7) For the purposes of this regulation, a “suspension notice” is a notice in writing prohibiting a person from carrying on a specified activity until such time as specified steps have been taken.

- (8) A suspension notice shall—
- (a) specify the contravention;
 - (b) specify the activity to be suspended and the period of the suspension;
 - (c) specify the steps which shall be taken to remedy the contravention;
 - (d) specify the period within which those steps shall be taken; and
 - (e) give information as to the rights of appeal (including the period within which an appeal shall be brought).

Commencement Information

I13 Reg. 22 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Appeals

23.—(1) A person on whom a compliance notice, a restoration notice or a suspension notice is served may appeal to the Planning Appeals Commission on the grounds that the compliance notice, restoration notice or suspension notice or any part thereof is—

- (a) defective; or
- (b) unreasonable.

(2) A person who wishes to appeal to the Planning Appeals Commission under this regulation shall give to the Commission written notice of the appeal together with a written statement of the grounds of appeal and the Commission shall as soon as is reasonably practicable send to the Department a copy of the notice of the appeal together with a copy of the statement of the grounds of appeal.

(3) Notice of appeal in accordance with paragraph (2) shall be given before the expiry of the period of 28 days beginning with the date of the service of a notice under regulation 22.

(4) Notice of appeal in accordance with paragraph (2) shall be accompanied by such fee as specified in regulation 17(1) of the Planning (Fees) Regulations (Northern Ireland) 1995 as would be payable if the notice of appeal were a notice of appeal in accordance with Article 32(1) of the Planning (Northern Ireland) Order 1991.

(5) An appellant may withdraw an appeal by notifying the Planning Appeals Commission in writing and the Commission shall as soon as is reasonably practicable notify the Department.

(6) A notice, under regulation 22 shall not be suspended pending the outcome of an appeal.

(7) The Planning Appeals Commission shall determine the appeal and paragraphs (1), (3) and (5) of Article 111 of the Planning (Northern Ireland) Order 1991(4) shall apply in relation to the determination of the appeal as it applies to the determination of an appeal under that Order.

(8) On an appeal, the Planning Appeals Commission may determine that a notice served by the Department under regulation 22 shall cease to have effect or may vary the notice.

(9) The Planning Appeals Commission shall notify the appellant of its determination of the appeal and reasons for it, and shall at the same time send a copy of its determination to the Department.

Commencement Information

I14 Reg. 23 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Offence

24.—(1) A person who fails to comply with regulation 17 or a notice served under regulation 22 shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment, to a fine.

Commencement Information

I15 Reg. 24 in operation at 8.4.2011, see [reg. 1\(1\)](#)

Radioactive waste

25.—(1) This regulation applies to radioactive waste where it is—

- (a) exempt from the requirement for authorisation by virtue of an order which was made or has effect as if made under section 15(2) of the Radioactive Substances Act 1993(5); and
- (b) subject to an activity falling within Schedule 2, paragraph 38(a) of the Waste Management Licensing Regulations (Northern Ireland) 2003 and regulation 15 of the Hazardous Waste Regulations (Northern Ireland) 2005(6).

(2) Radioactive waste to which this regulation applies shall be treated as waste for the purposes of these regulations.

(3) Articles 4 and 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997(7) shall apply to radioactive waste to which this regulation applies as it applies to controlled waste within the meaning of Article 2(2) of that Order.

(4) [S.I. 1991/1220 \(N.I. 11\)](#)

(5) [1993 c. 12](#)

(6) [S.R. 2005 No. 300](#)

(7) [S.I. 1997/2778 \(N.I. 19\)](#)

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Commencement Information

I16 Reg. 25 in operation at 8.4.2011, see **reg. 1(1)**

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, PART 3.