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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 78**

**The Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011**

**PART 2**

**Exempt activities – general provisions**

**Exemption from need for marine licence**

- 4.—(1) A marine licence is not needed for an activity that is an exempt activity.
- (2) An activity is an exempt activity to the extent that—
- (a) it is an activity to which this Article applies<sup>(1)</sup>; and
  - (b) where the application of this Article to an activity is subject to a condition specified in Part 3, that condition is satisfied in relation to that activity.
- (3) But this is subject to paragraph (4) and Article 5.
- (4) Nothing in this Order makes an activity an exempt activity to the extent to which the carrying on of the activity is contrary to international law.

**Commencement Information**

- II** Art. 4 in operation at 6.4.2011, see [art. 1](#)

**Activities relating to disposal or recovery of waste**

- 5.—(1) An activity carried on by an establishment or undertaking involving the disposal or recovery of waste is not an exempt activity unless conditions 1 to 3 are satisfied.
- (2) Condition 1 is that the establishment or undertaking is carrying out—
- (a) disposal of its own non-hazardous waste at the place of production; or
  - (b) recovery of waste.
- (3) Condition 2 is that the type and quantity of waste involved, and the method of disposal or recovery, are consistent with the need to attain the objectives mentioned in Article 13 of the Waste Framework Directive.
- (4) Condition 3 is that the establishment or undertaking must be registered with the licensing authority.
- (5) The licensing authority must maintain a register containing the name and address of any establishment or undertaking carrying on an exempt activity involving the disposal or recovery of waste in the licensing authority's area.

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(1) Part 3 sets out the activities to which this article applies.

- (6) The register may be kept in any form.
- (7) In this Article—
  - (a) “establishment” and “undertaking” have the same meaning as in Articles 23 and 24 of the Waste Framework Directive;
  - [<sup>F1</sup>(b) “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. Annex II to the Directive, as amended by Commission Directive (EU) 2015/1127, sets out a non-exhaustive list of recovery operations; and ]
  - (c) “non-hazardous waste” has the same meaning as in the Waste Framework Directive.

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**Textual Amendments**

- F1** Words in [art. 5\(7\)\(b\)](#) substituted (15.7.2016) by [The Waste \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/95\)](#), regs. 1(1), **6(3)**
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**Commencement Information**

- I2** Art. 5 in operation at 6.4.2011, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011, PART 2.