

## SCHEDULE

Regulation 3

### Interpretation of the Schedule

1.—(1) In this Schedule the following definitions apply—

“agricultural waste” means waste from premises used for agriculture within the meaning of the Agriculture Act (Northern Ireland) 1949;

“camp site” means land on which tents are pitched for the purpose of human habitation and land the use of which is incidental to that purpose;

“charity shop” means a premises used wholly or mainly for the sale of goods donated to a charity where the proceeds of sale (after deduction of expenses) are applied for the purposes of a charity;

“clinical waste” means waste from a healthcare activity (from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation, treatment, care, teaching or research) that—

- (a) contains viable micro-organisms or their toxins which are known or reliably believed to cause disease in humans or other living organisms;
- (b) contains or is contaminated with drugs or medicine that contains a biologically active pharmaceutical agent; or
- (c) is a sharp, swab or dressing, or a body fluid or other biological material (including human and animal tissue) containing or contaminated with a dangerous substance within the meaning of Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances<sup>(1)</sup>, and waste of a similar nature from a non-healthcare activity;

“construction” includes improvement, repair or alteration;

“controlled waste” means household, industrial and commercial waste or any such waste;

“Directive waste” has the same meaning as in regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003<sup>(2)</sup>;

“European Waste Catalogue” means the list of waste belonging to the categories listed in the List of Wastes Regulations (Northern Ireland) 2005<sup>(3)</sup>;

“factory” has the meaning given in Section 175 of the Factories Act (Northern Ireland) 1965<sup>(4)</sup>;

“general medical practitioner” means a person registered in the General Practitioner Register kept by the General Medical Council under Section 34 of the Medical Act 1983<sup>(5)</sup>;

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

“Irish Traveller Community” means the community of people as described in Article 5 of the Race Relations (Northern Ireland) 1997 Order<sup>(7)</sup>;

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(1) OJ No L 196, 16.8.1967 as amended by Regulation (EC) No. 1272/2008 and Commission Directive 2009/2/EC

(2) S.R. 2003 No. 493 as amended

(3) S.R. 2005 No. 301

(4) S.I.1965 c. 20 as amended by S.I. 1970 c.46 and 1971 c. 11

(5) S.I. 1983 c. 54 Section 34c was inserted by S.I. 2010/224 Article 4 and Schedule 1, paragraph 10

(6) S.R. 2005 No. 300

(7) S.I. 1997 No. 869 (N.I. 6)

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“mixed hereditament” means a hereditament which is used partly for the purposes of a dwelling house as defined in Schedule 5 to the Rates (Northern Ireland) Order 1977<sup>(8)</sup> and partly for other purposes;

“not for profit body” means a body which, by virtue of its constitution or any enactment—

- (a) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or public purposes; and
- (b) is prohibited from directly or indirectly distributing among its members any part of its assets (otherwise than for charitable or public purposes);

“offensive waste” means waste that—

- (a) is not clinical waste;
- (b) contains body fluids, secretions or excretions; and
- (c) falls within code 18 01 04, 18 02 03 or 20 01 99 in Schedule 1 to the List of Wastes (Northern Ireland) Regulations 2005<sup>(9)</sup>;

“scientific research association” has the meaning given in Section 469 of the Corporation Tax Act 2010<sup>(10)</sup>;

“scrap metal” means any waste metal, and any broken, worn out, defaced or partly manufactured articles made wholly or partly of metal and any metallic wastes, and also includes old, broken, worn out or defaced tooltips or dies made of any of the materials commonly known as hard metal or of cemented or sintered metallic carbides;

“septic tank sludge” means residual sludge from septic tanks and other similar installations for the treatment of sewage;

“sludge” means residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters;

“The Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council, on waste<sup>(11)</sup>;

“transferor” and “transferee” means respectively, in relation to a transfer of controlled waste by a person who is subject to the duty imposed by Article 5 of the 1997 Order, the person who in compliance with that Article transfers a written description of the waste and the person who receives that description;

“vessel” includes a hovercraft within the meaning of Section 4(1) of the Hovercraft Act 1968<sup>(12)</sup>;

“waste oils” means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;

“waste solvent” means solvent which is contaminated, spoiled or otherwise unfit for its original purpose.

## Sources of household, industrial and commercial waste

2.—(1) Table 1 describes waste which is to be treated as household waste, industrial waste or commercial waste because of the place where it is produced.

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(8) S.I. 1977 No. 2157 (N.I. 28)

(9) S.R. 2005 No. 301

(10) S.I. 2010 c. 4 Part 2 chapter 1

(11) OJ No L 312, 22.11.08

(12) S.I. 1969 c. 59

(2) The second column of Table 1 describes the places at which waste is produced.

(3) For the purposes of Part 2 of the 1997 Order the waste must be treated as the type of waste specified in the third column, subject to any exception in the fourth column.

(4) But in a case where paragraph 3 or 4(3) requires waste to be treated inconsistently with sub-paragraph (3), the requirements of those paragraphs take precedence.

**Table 1**

**Classification by place of production**

<b>No.</b>	<b>Description</b>	<b>Classification</b>	<b>Exceptions</b>
<b>1</b>	Private storage premises used wholly or mainly for the storage of articles of domestic use	Household waste	
<b>2</b>	Land belonging to or used wholly or mainly in connection with domestic property or a caravan where waste from that property or caravan is to be treated as household waste	Household waste	
<b>3</b>	A private garage	Household waste	Where the garage has a floor area exceeding 25 <sup>m</sup> <sup>2</sup> or is not used wholly or mainly for the accommodation of a private motor vehicle, the waste is to be treated as commercial waste
<b>4</b>	A vehicle or vessel used wholly for the purposes of living accommodation	Household waste	Where the vehicle or vessel is used in the course of a business for the provision of self-catering accommodation, the waste is to be treated as commercial waste
<b>5</b>	A place of worship	Household waste	
<b>6</b>	A residential hostel which provides accommodation only to persons with no other permanent address or who are unable to live at their permanent address	Household waste	
<b>7</b>	A 'Bed and Breakfast'	Household waste	
<b>8</b>	Prisons, Borstals or other such penal institution	Household waste	
<b>9</b>	A charity shop selling donated goods originating from domestic property	Household waste	
<b>10</b>	A caravan or mobile home site for members of the Irish Traveller Community	Household waste	

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<b>No.</b>	<b>Description</b>	<b>Classification</b>	<b>Exceptions</b>
<b>11</b>	Premises used wholly or mainly for public meetings	Household waste	
<b>12</b>	University, school or other educational establishment	Household waste	
<b>13</b>	Domestic property used in the course of a business for the provision of self-catering accommodation	Commercial waste	
<b>14</b>	A caravan— (a) used in the course of a business for the provision of self-catering accommodation; or (b) which is not allowed to be used for human habitation throughout the year by virtue of a licence or planning permission	Commercial waste	
<b>15</b>	Premises occupied by a charity and wholly or mainly used for charitable purposes	Commercial waste	Where the waste is from a place of worship or from premises used wholly or mainly for public meetings, it is to be treated as household waste
<b>16</b>	A camp site or a tent pitched on land other than a camp site	Commercial waste	Where the waste is from domestic premises at a camp site, it is to be treated as household waste
<b>17</b>	Premises occupied by a club, society or any association of persons in which activities are conducted for the benefit of the members	Commercial waste	
<b>18</b>	Premises occupied by— (a) a court; (b) a government department; (c) a district council; (d) a person appointed by or under any enactment to discharge public functions; (e) a body incorporated by Royal Charter; and (f) A public body or Trust.	Commercial waste	Waste classified as household waste or industrial waste because it is from a place— (a) otherwise described in this table (except for entry 27); or (b) described in Article 2(2) of the 1997 Order (household waste or industrial waste)
<b>19</b>	A hotel	Commercial waste	
<b>20</b>	Any part of a ‘mixed hereditament’ used for the purposes of a trade or business	Commercial waste	
<b>21</b>	A market or fair	Commercial waste	

<i>No.</i>	<i>Description</i>	<i>Classification</i>	<i>Exceptions</i>
22	The practice of a general medical practitioner	Commercial waste	
23	An office or showroom	Commercial waste	
24	A workshop or similar premises which is not a factory only because— (a) those working there are not employees; or (b) the work carried on there is not carried on by way of trade or for purposes of gain	Industrial waste	Where the principal activities at the premises are computer operations or the copying of documents by photographic or lithographic means the waste is to be treated as commercial waste
25	A laboratory	Industrial waste	
26	A scientific research association	Industrial waste	
27	Premises used for the breeding, boarding or stabling of animals	Industrial waste	
28	Waste imported into Northern Ireland	Industrial waste	
29	Directive waste from a place (including any vehicle, vessel or aircraft) not otherwise described in this table or in Article 2(2) of the 1997 Order (household waste and commercial waste)	Industrial waste	

### **Nature of waste and activities producing waste**

3.—(1) Table 2 describes waste which is to be treated as household waste, commercial waste or industrial waste because of its nature or the activity which produces it notwithstanding the place where it is produced.

(2) The second column of Table 2 describes the nature of the waste or the activity which produces it.

(3) The waste must be treated for the purposes of Part 2 of the 1997 Order as the type of waste established in the third column, subject to any exception in the fourth column.

(4) But in a case where paragraph 4(3) requires waste to be treated inconsistently with subparagraph (3), the requirements of paragraph 4(3) takes precedence.

**Table 2**

### **Classification by nature of waste or activity producing waste**

<i>No.</i>	<i>Description</i>	<i>Classification</i>	<i>Exceptions</i>
1	Waste arising from the discharge of duties under Article 7(1)(a) or (e) of the 1994 Order (duty to collect litter)	Household waste	
2	Waste arising from the discharge by a district council of its duty under Article 7(2) of the 1994 Order (duty to ensure roads are kept clean)	Household waste	

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<b>No.</b>	<b>Description</b>	<b>Classification</b>	<b>Exceptions</b>
<b>3</b>	Waste arising from the discharge of duties under Article 7(1)(c), 12(10), 12C(3) and 13 of the 1994 Order (duty and powers in relation to the collection of litter)	Commercial waste	
<b>4</b>	Waste arising from the discharge of duties under Article 7(1)(b) and (d) of the 1994 Order (duties to collect litter)	Industrial waste	
<b>5</b>	Waste arising from the discharge by a district council or the Department for Regional Development of the duty under Article 7(2) of the 1994 Order (duty to ensure roads are kept clean)	Industrial waste	
<b>6</b>	Hazardous waste arising from the following activities carried on at premises used for the purposes of a trade or business— (a) mixing or selling paints; (b) sign writing; (c) laundering or dry cleaning; (d) developing photographic film or making photographic prints; (e) selling petrol, diesel fuel, paraffin, kerosene, heating oil or similar substances; or (f) selling pesticides, herbicides or fungicides	Industrial waste	
<b>7</b>	Waste oil, waste solvent or scrap metal	Industrial waste	Where the waste is produced at the following places it is to be treated as household waste— (a) a residential home; (b) domestic property, a caravan or land belonging to or used in connection with such a place; (c) a private garage which has a floor area of 25 <sup>m2</sup> or less or is used wholly or mainly for the accommodation of a private motor vehicle;

<b>No.</b>	<b>Description</b>	<b>Classification</b>	<b>Exceptions</b>
			<p>(d) private storage premises used wholly or mainly for the storage of articles of domestic use; or</p> <p>(e) a vehicle or vessel used wholly for the purposes of living accommodation, except where it is used in the course of a business for the provision of self-catering accommodation</p>
<b>8</b>	Waste from construction or demolition works, including preparatory works	Industrial waste	The waste is to be treated as household waste for the purposes of Articles 5(2) and (2A) of the 1997 Order only (dis-application of Article 5(1) and duty on the occupier of domestic property to transfer household waste only to an authorised person or for authorised transport purposes)
<b>9</b>	Septic tank sludge	Industrial waste	The waste is to be treated as household waste for the purposes of Articles 5(2) and (2A) of the 1997 Order
<b>10</b>	Sewage	Industrial waste	
<b>11</b>	Clinical waste and offensive waste	Industrial waste	Clinical waste and offensive waste produced at domestic property, a residential home, a caravan or a vehicle or vessel used wholly for the purposes of living accommodation is to be treated

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<i>No.</i>	<i>Description</i>	<i>Classification</i>	<i>Exceptions</i>
			as household waste, except that where such a vehicle or vessel is used in the course of a business for the provision of self-catering accommodation, such waste is to be treated as commercial waste. Clinical waste and offensive waste collected under Article 7(1) and (2) of the 1994 Order is to be treated as household waste or commercial waste in accordance with entries 1 to 6
<b>12</b>	Agricultural Waste	Industrial waste	Applies only where this waste is Directive waste

#### **Household waste for which collection and disposal charges may be made**

4.—(1) Table 3 describes waste which is household waste (by virtue of Article 5(5) of the 1997 Order) or waste which is to be treated as household waste (by virtue of Article 2(2) of the 1997 Order).

(2) The third column indicates which household waste is prescribed for the purposes of Article 20(3) of the 1997 Order (cases in respect of which a charge for collection may be made).

(3) The fourth column indicates which waste must be treated as commercial waste for the purposes of the following provisions of the 1997 Order —

- (a) Article 20(4) to the extent that it concerns liability to pay a reasonable charge for disposal of commercial waste and the recovery of such a charge.

**Table 3**

#### **Collection and disposal charges**

<i>No.</i>	<i>Description of household waste</i>	<i>Collection charge</i>	<i>Disposal charge</i>
<b>1</b>	Any article of waste which exceeds 25kg in weight	Yes	No, subject to entries 11 to 17
<b>2</b>	Any article of waste which does not fit or cannot be fitted into— (a) a receptacle for household waste provided in accordance with Article 21 of the 1997 Order; or	Yes	No, subject to entries 11 to 17



<b>No.</b>	<b>Description of household waste</b>	<b>Collection charge</b>	<b>Disposal charge</b>
	(b) where no such receptacle is provided, a cylindrical container 750mm in diameter and 1m in length		
<b>3</b>	Garden waste	Yes	No, subject to entries 11 to 17
<b>4</b>	Dead domestic pets	Yes	No, subject to entries 11 to 17
<b>5</b>	Waste oil or grease	Yes	No, subject to entries 11 to 17
<b>6</b>	Asbestos	Yes	No, subject to entries 11 to 17
<b>7</b>	Waste which may not be put into a receptacle provided under Article 21 of the 1997 Order because of a notice served under that Article	Yes	No, subject to entries 11 to 17
<b>8</b>	Waste from premises used wholly or mainly for public meetings	Yes	No
<b>9</b>	Clinical waste and offensive waste produced at a domestic property, a caravan or a vehicle or vessel used wholly for the purposes of living accommodation	Yes	No
<b>10</b>	Waste from a residential hostel which provides accommodation only to persons with no other permanent address or who are unable to live at their permanent address	Yes	No
<b>11</b>	Waste from a Bed and Breakfast	Yes	No
<b>12</b>	Waste from a charity shop selling donated goods originating from domestic property	Yes	Yes, but only to the extent that the waste originated from non-domestic property
<b>13</b>	Waste from premises occupied by— (a) a community interest company (being a company which is registered as such with the registrar of companies); or	Yes	Yes, but only to the extent that the waste originated from non-domestic property

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<b>No.</b>	<b>Description of household waste</b>	<b>Collection charge</b>	<b>Disposal charge</b>
	(b) a charity or other not for profit body, which collects goods for re-use or waste to prepare for re-use from domestic property		
<b>14</b>	Litter collected under Article 7(1)(e) of the 1994 Order	Yes	Yes
<b>15</b>	Waste from a residential home or land belonging to or wholly or mainly used in connection with a residential home	Yes	Yes
<b>16</b>	Waste from premises forming part of a university, school or other educational establishment	Yes	Yes
<b>17</b>	Waste from premises forming part of a hospital or nursing home (except for waste from a residential hostel forming such part which provides accommodation only to persons with no other permanent address)	Yes	Yes
<b>18</b>	Waste from Prisons, Borstals or other such penal institution	Yes	Yes