

2015 No. 386

ENVIRONMENTAL PROTECTION

**The Waste Management Licensing (Amendment No.2)
Regulations (Northern Ireland) 2015**

Made - - - - *30th November 2015*

Coming into operation - *31st December 2015*

The Department of the Environment, in exercise of the powers conferred by Articles 3(3)(a) and 39(2)(a) of the Waste and Contaminated Land (Northern Ireland) Order 1997(a), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Waste Management Licensing (Amendment No. 2) Regulations (Northern Ireland) 2015 and shall come into operation on 31st December 2015.

Amendment of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999

2.—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999(b) are amended in accordance with paragraphs (2) and (3)—

(2) In regulation 1(2) for the definition of “prescribed offences” substitute—

““prescribed offences” means an offence under regulation 2 of the 2003 Regulations;”.

(3) Schedule 1 is revoked.

Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003

3.—(1) The Waste Management Licensing Regulations (Northern Ireland) 2003(c) are amended in accordance with paragraphs (2) and (3)—

(2) For regulation 2 substitute—

“2. Schedule 6 has effect to prescribe offences for the purposes of Article 3(3)(a) of the 1997 Order.”.

(3) After Schedule 5 insert—

(a) S.I. 1997/2778 (N.I. 19) as amended

(b) S.R. 1999 No.362 relevant amendments S.R. 2003 No. 493, S.R. 2006 No. 280 and S.R. 2011 No. 127

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

“SCHEDULE 6

Regulation 2

Prescribed Offences

1. The offences to be regarded as prescribed offences for the purposes of Article 3(3)(a) of the 1997 Order are listed in Tables 1-3—

Table 1

Relevant Environmental Offences

<i>Number</i>	<i>Offence(s)</i>
1.	Articles 33(4) and 36(1) of and paragraph 9 of Schedule 5, paragraph 5 and paragraph 9(2) of Schedule 6 and Part 1, paragraph 14 of Schedule 7 to the Drainage (Northern Ireland) Order 1973
2.	Articles 29 and 72(3) of the Pollution Control and Local Government (Northern Ireland) Order 1978
3.	Articles 4, 5(8), 5E(7), 5E(9), 6(7), 12(12), 12(13), 15(5A), 16(4), 18, 21(6), 22(6), 27(5), 28(5), 29(3), 31(2), 38(1), 42, 44(2) and 74 of the Waste and Contaminated Land (Northern Ireland) Order 1997
4.	Articles 7(1), 7(5), 12(3), 19(1), 28(3) and 29(1) of the Water (Northern Ireland) Order 1999
5.	Regulations 12(1), 12(2), 12(3) and 12(4) of the Environmental Protection (Disposal of Polychlorinated Biphenyls and Other Dangerous Substances) Regulations (Northern Ireland) 2000
6.	Article 20 of the Environment (Northern Ireland) Order 2002
7.	Regulation 12 of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (Northern Ireland) 2003
8.	Regulations 31, 42(1) and 42(2) of the End of Life Vehicles Regulations 2003
9.	Regulations 18(1) and 22(1) of and paragraphs 12(1), 12(2), 14(5), 14(7) and 14(8) of Part 1 of Schedule 3 to the Waste Management Licensing Regulations (Northern Ireland) 2003
10.	Regulation 17(1) of the Landfill Regulations (Northern Ireland) 2003
11.	Regulations 13(1) and 16(3) of the Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005
12.	Regulations 43(1), 43(3) and 43(5) of the Hazardous Waste Regulations (Northern Ireland) 2005
13.	Regulation 6(1) of the Radioactive Contaminated Land Regulations (Northern Ireland) 2006
14.	Regulations 18(10), 24(1) and 24(2) of the Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006
15.	Regulation 40 of the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007
16.	Regulations 17, 18, 19, 21, 22, 23, 24, 25, 26, 31, 32, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 52, 53, 54, 55 and 57 of and paragraphs 4 and 5 of Schedule 1 and paragraph 6(3) of Part 1 of Schedule 5 to the Transfrontier Shipment of Waste Regulations 2007
17.	Regulation 42 of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations

	2008
18.	Regulations 89(1), 89(2), 89(3), 89(4), 89(5) and 89(6) of the Waste Batteries and Accumulators Regulations 2009
19.	Regulations 9, 10, 17, 26 and 27 of the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009
20.	Regulations 19(1), 24(3) and 25(3) of the Groundwater Regulations (Northern Ireland) 2009
21.	Section 85 of the Marine and Coastal Access Act 2009
22.	Regulation 25 of the Nitrates Action Programme Regulations (Northern Ireland) 2010
23.	Regulation 24 of the Waste Regulations (Northern Ireland) 2011
24.	Articles 42(6), 43(5), 76(9), 85(1), 85(5), 103(1), 109(3), 117(1), 126(1), 126(3), 127(1), 134(1), 134(5), 137(1), 146(9), 147(2), 149(5), 150(12), 152(9), 168(1), 168(6), 172(1), 175(2), 178(2), 178(5), 237(2), 237(3) and 240(3) of the Planning Act (Northern Ireland) 2011
25.	Regulations 82(6), 89(10) and 90 of the Waste Electrical and Electronic Equipment Regulations 2013
26.	Sections 32(1) and 33(1) of the Marine Act (Northern Ireland) 2013
27.	Regulation 36 of the Pollution, Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

Table 2

Relevant Financial Offences

<i>Number</i>	<i>Offence(s)</i>
1.	Sections 24, 50, 64, 67, 68, 68A, 100, 129, 136, 159, 167, 168, 170, 170A and 170B of the Customs and Excise Management Act 1979
2.	Sections 1, 2, 3, 4, 5, 14, 15, 16, 17, 18 and 19 of the Forgery and Counterfeiting Act 1981
3.	Paragraphs 15(1), 15(3), 15(4), 15(5), 15(6) and 15(7) of Part IV of Schedule 5 to the Finance Act 1996
4.	Sections 1, 6, 7, 9, 11 and 12 of the Fraud Act 2006

Table 3

Other Relevant Offences

<i>Number</i>	<i>Offence(s)</i>
1.	Section 114 of the Public Health Act 1878
2.	Sections 1, 8, 9, 10, 11, 17, 18, 21 and 23A of the Theft Act (Northern Ireland) 1969
3.	Sections 4, 6, 8, 9, 11, 19, 20, 21 and 23 of the Misuse of Drugs Act 1971
4.	Sections 24, 24A, 25, 25A, 25B, 26, 26A, 26B and 27 of the Immigration Act 1971
5.	Articles 98(3) and 98(4) of the Local Government Act (Northern Ireland) 1972
6.	Articles 31(1), 34(1) and 34(2) of the Health and Safety at Work Order 1978
7.	Articles 3, 9(13), 11A(1), 15B(11), 19G(4), 31E, 72(1), 72(2), 73A(4), 81(1), 82, 86(1), 90(4), 91A, 95(2), 96(2), 97(3),

	168A(1), 172, 172B, 174(2), 175(2), 180(1), 180(4) and 180(6) of the Road Traffic (Northern Ireland) Order 1981
8.	Articles 30(4), 31(1), 39(3), 40(1), 40(3), 47(1), 47(2), 53 and 54(1) of the Criminal Justice (Northern Ireland) Order 1996
9.	Sections 49, 50, 51, 52, 53 and 58 of the Drug Trafficking Act 1994
10.	Sections 11, 12, 13, 15, 16, 17, 18, 19, 21A, 21D, 54, 56, 57, 58, 58A, 59, 60, 61, 62, 63, 63A, 63B, 63C, 63D, 87, 89, 93, 94, 95, 96, 103 and 116 of and paragraphs 3(7), 14(1), 15(4), 16(3), 19(7), 20(6) and 32(3) of Schedule 5, paragraphs 1(3) and 8(2) of Schedule 6, paragraph 18 of Schedule 7 and paragraphs 2, 3, 4, 6(3), 15(1) and 16(3) of Schedule 13 to the Terrorism Act 2000
11.	Sections 327, 328, 329, 330, 331 and 332 of the Proceeds of Crime Act 2002
12.	Articles 3, 6(6), 10(3), 13(2), 15(10), 16(2), 21(4), 24, 27(6), 30(1), 35(9), 36(3), 37(4), 38(7), 39(3), 40(4), 41(5), 42(4), 43(5), 44(6), 45(1), 45(2), 45(5), 49(5)(b), 51(2), 52(4), 53(5), 54(2), 55(5), 56(3), 58(2), 59(2), 60(1), 61, 62, 63, 64, 65, 66, 67, 72, 72(2)(c) and 73 of the Firearms (Northern Ireland) Order 2004
13.	Articles 10(8), 15, 16(10), 21, 26, 31 and 32 of and paragraphs 8(1) and 8(2) of Schedule 1 and paragraphs 4, 5, 6 and 8(3) of Schedule 6 to the Justice and Security (Northern Ireland) Act 2007
14.	Sections 25, 44, 45 and 46 of the Serious Crime Act 2007
15.	Articles 1(7), 5(2), 9(3), 9(4), 11(2)(a), 16(1), 17(1), 28 and 45(6) of the Transport Act (Northern Ireland) 2011
16.	Regulations 17(1) and 18(1) of the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011
17.	Articles 1, 10 and 11 of the Scrap Metal Dealers Act 2013
18.	Sections 1, 2 and 4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015”

Sealed with the Official Seal of the Department of the Environment on 30th November 2015.



Dave Foster
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 2 of and Schedule 1 to the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 (the 1999 Regulations). They also amend regulation 2 of the Waste Management Licensing Regulations (Northern Ireland) 2003 (the 2003 Regulations) which prescribes offences which must be taken into account by the Department when determining if a person can be deemed a fit and proper person to hold a waste management licence. The Regulations also introduce a new Schedule 6 to the 2003 Regulations, to provide an updated list of offences that includes environmental, financial and other relevant offences.

In particular, regulation 2 amends the 1999 Regulations.

Regulation 3(2) substitutes regulation 2 of the 2003 Regulations with a new regulation 2.

Regulation 3(3) inserts a new Schedule 6 to the 2003 Regulations.

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