

2022 No. 288

ENVIRONMENTAL PROTECTION

**The Waste Management Licensing (Amendment) Regulations
(Northern Ireland) 2022**

Made - - - - - *27th October 2022*

Coming into operation *5th December 2022*

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by Article 3(5) of the Waste and Contaminated Land (Northern Ireland) Order 1997(a), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2022 and come into operation on 5th December 2022.

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

2. The Waste Management Licensing Regulations (Northern Ireland) 2003(b) are amended in accordance with regulations 3 to 6.

Amendment of regulation 1 (Citation, commencement and interpretation)

3. In regulation 1(3) (Citation, commencement and interpretation) insert the following definitions at the appropriate place—

““CIWM” means the Chartered Institution of Wastes Management;” and

“EU Skills” means Energy and Utility Skills Limited;”.

Amendment of regulation 3

4. For regulation 3 substitute—

“3.—(1) Without prejudice to the European Union (Recognition of Professional Qualifications) Regulations 2015(c), the qualifications and experience required of a person to be considered technically competent for the purposes of Article 3(3)(b) of the 1997 Order (management of activities to be in the hands of a technically competent person), is either:

(a) an Operator Competence Certificate awarded by CIWM to carry on the specific activities which are authorised by a waste management licence; or

(a) S.I. 1997/2778 (N.I. 19) to which there are amendments not relevant to these Regulations

(b) S.R. 2003 No. 493; relevant amending Regulations are S.R. 2003 No. 496, S.R. 2006 No. 280, S.R. 2007 No. 258, S.I. 2012/1916, S.R. 2015 No. 301

(c) S.I. 2015/2059, as amended by S.I. 2016/696, S.I. 2016/1094, S.I. 2016/1032, 2018 c. 12, S.I. 2018/166, S.I. 2018/838, S.I. 2018/893, S.I. 2018/1101, S.I. 2019/89, S.I. 2019/312, S.I. 2020/1038, and S.I. 2021/574

(b) a Competence Management System Certification awarded by EU Skills.

(2) Where it is not possible to obtain a qualification under paragraph 1(a) or (b) for any activity, the Department will assess technical competence for the purposes of Article 3(3)(b) of the 1997 order based on the knowledge and experience in waste management practice of the person seeking to manage that activity.

(3) A person who has been awarded an Operator Competence Certificate by CIWM must undertake an assessment every 24 months to ensure that competence is kept up to date.

(4) A person who has been awarded Competence Management System Certification by EU Skills must undertake an assessment every 36 months to ensure that competence is kept up to date.

(5) Where a person carries out activities without the qualifications specified in paragraph (1)(a) or (b) or an assessment of technical competence by the Department, that person will not be deemed to be a fit and proper person which may result in that person's application being refused or their licence being revoked except where that activity is being carried out by way of an exemption from waste management licensing."

Amendment of regulation 5 (Pre-qualification technical competence)

5.—(1) For regulation 5 (Pre-qualification technical competence) substitute—

“5.—(1) Where—

- (a) a person has applied to
 - (i) CIWM for an Operator Competence Certificate to carry on the specific activities which are authorised by a waste management licence; or
 - (ii) EU Skills for a Competence Management System Certification;
- (b) an application has been made for a waste management licence to authorise activities whose management is intended to be in that person's hands;
- (c) the activities mentioned in sub-paragraph (b) are to be carried on at a facility of the same type as that in relation to which the application mentioned in sub-paragraph (a) was made; and
- (d) the Department is satisfied that but for regulation 3 he would be a technically competent person,

then, in relation to the facility in respect of which the application mentioned in sub-paragraph (c) was made and until the expiry of two years from the grant of a licence pursuant to that application, regulation 3 shall not apply to that person and that person shall be treated as technically competent for the purposes of Article 3(3)(b) of the 1997 order.

(2) Paragraph 1 does not include activities carried out at any type of landfill site.”

Revocation of Schedule 1

6. Schedule 1 is revoked.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 27th October 2022.



John Mills
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend regulations 1, 3 and 5 and Schedule 1 to the Waste Management Licensing Regulations (Northern Ireland) 2003 (the 2003 Regulations) and prescribe the accepted technical competencies for the purpose of determining if a person can be deemed a fit and proper person to hold a waste management licence.

Regulation 3(1)(b) introduces EU Skills as a provider of assurance of technical competence in Northern Ireland.

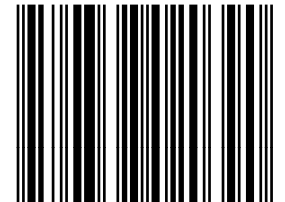
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£4.90

<http://www.legislation.gov.uk/id/misr/2022/288>

ISBN 978-0-33-802039-0



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