
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 493

ENVIRONMENTAL PROTECTION

**The Waste Management Licensing
Regulations (Northern Ireland) 2003**

Made - - - - *28th November 2003*

Coming into operation *19th December 2003*

The Department of the Environment, being a Department designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to (i) the prevention, reduction and elimination of pollution of water, the prevention, reduction and elimination of pollution caused by waste, the regulation and control of the transit, import and export of waste (including recyclable materials) and (ii) the prevention of waste from vehicles and forms of recovery of end of life vehicles and their components, in exercise of the powers conferred on it by section 2(2) of that Act, sections 7(1) and(2) and 25(3) of the Food and Environment Protection Act 1985⁽³⁾, Article 30 of the Industrial Pollution Control (Northern Ireland) Order 1997⁽⁴⁾, Articles 2(2), (3), (4) and (8), 3(3)(a) and (5), 4(3), 6(6), 17(9), 34(1), 38(3)(a), 39 and 77 of the Waste and Contaminated Land (Northern Ireland) Order 1997⁽⁵⁾ (having in particular had regard in exercising its power under Article 4(3) of that Order to the matters specified in Article 4(4) of that Order) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Modifications etc. (not altering text)

- C1** Regulations modified (16.7.2005) by [The Hazardous Waste Regulations \(Northern Ireland\) 2005 \(S.R. 2005/300\)](#), reg. 1(1), **Sch. 10 para. 9(4)**
- C2** Regulations modified (31.12.2020) by [S.I. 2019/289](#), reg. 5, **Sch. 3** (as amended by [The Waste \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/284\)](#), regs. 1(1), **3(3)(5)**)

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Waste Management Licensing Regulations (Northern Ireland) 2003 and shall come into operation on 19th December 2003.

(1) [S.I.1989/2393](#), [S.I. 1992/2870](#), [S.I. 1993/2661](#) and [S.I. 2001/3495](#)
(2) [1972 c. 68](#)
(3) [1985 c. 48](#)
(4) [S.I. 1997/2777 \(N.I. 18\)](#)
(5) [S.I. 1997/2778 \(N.I. 19\)](#)

(2) The Interpretation Act (Northern Ireland) 1954(6) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) In these Regulations, unless the context otherwise requires –

“the 1978 Order” means the Pollution Control and Local Government (Northern Ireland) Order 1978(7);

“the 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997;

“the 1998 Regulations” means the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998(8);

“the 2003 Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003(9);

[^{F1}“the 2003 Landfill Regulations” means the Landfill Regulations (Northern Ireland) 2003;]

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

“the Water Order” means the Water (Northern Ireland) Order 1999(10);

[^{F2}“the Batteries Directive” means Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators as last amended by Directive (EU) 2018/849;]

^{F3}
...

[^{F4}“the Community Regulation” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation) [^{F5}as amended by Directive 2010/63/EU of the European Parliament of the Council];]

[^{F6}“the Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste as last amended by Directive [^{F7}(EU) 2018/851];]

“the End of Life Vehicles Directive” means Directive 2000/53/EC of the European Parliament and of the Council(11)[^{F8}as last amended by Directive [^{F9}(EU) 2018/849];]

[^{F10}“the Waste Electrical and Electronic Equipment Directive” or “WEEE Directive” means Directive 2012/19/EU of the European Parliament and of the Council of 4th July 2012 on waste electrical and electronic equipment(7)[^{F11}as last amended by Directive (EU) 2018/849;]

[^{F12}“agriculture” has the same meaning as in the Agriculture Act (Northern Ireland) 1949;]

[^{F12}“agricultural waste” means waste from premises used for agriculture within the meaning of the Agriculture Act (Northern Ireland) 1949;]

[^{F4}“animal by-products” has the same meaning as in Article 3(1) of the Community Regulation.]

“authorised treatment facility” means any establishment or undertaking carrying out the treatment of end of life vehicles under a waste management licence or a disposal licence and

(6) 1954 c. 33 (N.I.)

(7) S.I.1978/1049 (N.I. 19)

(8) S.R. 1998 No. 28

(9) S.R. 2003 No. 46

(10) S.I.1999/662 (N.I. 6)

(11) O.J. No. L269, 21.10.2000, p. 34

(7) S.I.1978/1049 (N.I. 19)

in compliance with Article 6 of the End of Life Vehicles Directive and Articles 9, 10 and 11 of the Directive;

[^{F13}“automotive battery or accumulator” means any battery or accumulator used for automotive starter, lighting or ignition power;]

[^{F13}“battery or accumulator” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable);

“battery pack” means any set of batteries or accumulators that are connected together or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open;]

[^{F14}“best available treatment, recovery and recycling techniques” has the meaning given in the document published by the Department on 5th December 2006, entitled “Guidance on Best Available Treatment, Recovery and Recycling Techniques (BATRRRT) and Treatment of Waste Electrical and Electronic Equipment (WEEE);]

[^{F15}“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;]

[^{F16}“CIWM” means the Chartered Institution of Wastes Management;”]; and]

“clinical waste” has the meaning given by regulation 2(1) of the Controlled Waste Regulations (Northern Ireland) 2002(**14**);

“construction work” includes the repair, alteration or improvement of existing works;

[^{F15}“controlled waste” means household, industrial and commercial waste or any such waste;

“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;]

“depollute”, in relation to an end of life vehicle, means to carry out on it any of the operations described in paragraph 3 of Part II of Schedule 5 and only when all such operations have been completed shall a vehicle be regarded as “depolluted”; “depollution” and any cognate expressions shall be construed accordingly;

^{F17} ...

[^{F13}“distributor” means any person that provides batteries or accumulators on a professional basis to an end-user;]

[^{F18}“disposal” means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy (Annex I to the Directive(**12**) sets out a non-exhaustive list of disposal operations);]

“disposal licence” means a licence issued under Article 7 of the 1978 Order;

[^{F19}“electrical and electronic equipment” or “EEE” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment which is for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1000 volts for alternating current and 1500 volts for direct current;]

[^{F13}“electric vehicle” means a vehicle which uses electricity as a source of power for propulsion and includes a vehicle which in addition uses, or is capable of using, other sources of power for this purpose;]

(14) S.R. 2002 No. 248 as amended
(12) O.J. No. L050, 21.02.2002, p. 94

[^{F20}“end-of-life vehicle” means any vehicle which is waste;]

[^{F21}“European Waste Catalogue” means the List of Wastes as set out in the Annex to Commission Decision [2000/532/EC](#), as amended from time to time and as also defined in regulation 5 of the Hazardous Waste Regulations (Northern Ireland) 2005;]

[^{F16}“EU Skills” means Energy and Utility Skills Limited;]

“exempt activity” means any of the activities set out in Part I of Schedule 2;

[^{F22}“fibre-based composite material” means packaging material which is made of paperboard or paper fibres, with a layer of plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand;]

“impermeable pavement” means a pavement in the area where a waste recovery or storage operation takes place which is capable of containing any spillage of waste received and is connected to a drainage system with impermeable components which does not leak and which will ensure that –

- (a) no liquid will run off the pavement otherwise than via the drainage system; and
- (b) except where they may be lawfully discharged, all liquids entering the drainage system are collected in a sealed sump;

[^{F13}“industrial battery or accumulator” means any battery, accumulator or battery pack which is—

- (a) designed exclusively for industrial or professional uses;
- (b) used as a source of power for propulsion in an electric vehicle;
- (c) unsealed but is not an automotive battery or accumulator; or
- (d) sealed but is not a portable battery or accumulator;]

[^{F23}“materials facility” means—

- (a) a facility or part of a facility where waste material is received in order to—
 - (i) separate it into specified output material; or
 - (ii) consolidate it into bulk quantities (whether as a first point of consolidation for such waste or following the first consolidation of bulk quantities transferred from other suppliers);

for the purpose of selling it, or transferring it to other facilities or persons to enable that material to be prepared for re-use or recycling;

- (b) any reference to a “materials facility” excludes a facility or part of a facility—
 - (i) at which all the waste material received during a reporting period is attributable exclusively to a single supplier, unless the waste material so received is separated into specified output material at that facility;
 - (ii) that is provided pursuant to arrangements made under section 25(1)(b) of the Waste and Contaminated Land (Northern Ireland) Order 1997;
 - (iii) that undertakes the processing or sorting of waste electrical and electronic equipment, waste batteries or accumulators;]

[^{F23}“Materials Facilities Code” means the Code of Practice on Sampling and Reporting at Materials Facilities issued by the Department on 31st January 2025;]

[^{F12}“mines or quarries waste” means waste from a mine or quarry;]

“operational land” has the meaning given by Article 2 of the Planning (General Development) Order (Northern Ireland) 1993(15);

[^{F12}“plant tissue” means tissue from a plant and “plant” has the same meaning as in Article 2 of the Plant Health Order (Northern Ireland) 2006]

[^{F13}“portable battery or accumulator” means any battery, accumulator or battery pack which—

- (a) is sealed;
- (b) can be hand-carried by an average natural person without difficulty; and
- (c) is neither an automotive battery or accumulator nor an industrial battery or accumulator;]

[^{F24}“recovery”—

- (a) ^{F25} ...
- (b) in relation to [^{F26}any type of waste] , 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 to fulfil that function, in the plant or in the wider economy. Annex II to the Directive ^{F27}... sets out a non-exhaustive list of recovery operations;]

[^{F28}“Relevant Waste” has the meaning given in Schedule 1A;]

[^{F29}“recycling”—

- (a) in relation to waste batteries or accumulators, means the reprocessing in a production process of waste materials for their original purpose or for other purposes, but excluding energy recovery;
- (b) in relation to any other waste, 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;]

“resolution” means a resolution passed under Article 13 of the 1978 Order;

[^{F30}“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;]

“scrap metal” has the meaning given by regulation 1(2) of the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002(16) except, unless otherwise stated, scrap metal shall not include end of life vehicles or their components unless and until such vehicles or their components have been depolluted in accordance with Part II of Schedule 5;

[^{F31}“specified output material” means a batch of material (whether or not waste) that is—

- (a) produced from a separating process for waste material; and
- (b) made up of one or more of the following kinds of material—
 - (i) glass;
 - (ii) metal;
 - (iii) paper;
 - (iv) card;
 - (v) plastic;
 - (vi) fibre-based composite material;]

(15) S.R. 1993 No. 278

(16) S.R. 2002 No. 271

[^{F32}“hazardous waste” means that term as defined by regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005;]

[^{F33}“treatment” —

- (a) in relation to waste batteries or accumulators, means any activity carried out on waste batteries and accumulators after they have been handed over to a facility for sorting, preparation for recycling or preparation for disposal;
- (b) in relation to any other waste, means recovery or disposal operations, including preparation prior to recovery or disposal;]

“treatment of end of life vehicles” means any activity after the end of life vehicle has been handed over to an authorised treatment facility for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredded wastes and any other operation carried out for the recovery and/or disposal of the end of life vehicle and its components;

[^{F34}“waste” means—

- (a) [^{F35}Relevant] waste;
- (b) radioactive waste where it is—
 - (i) 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(13); and
 - (ii) subject to an activity falling within Schedule 2 of these Regulations and regulation 15 of the Hazardous Waste Regulations (Northern Ireland) 2005(14);]

[^{F36}“waste battery or accumulator” means any battery or accumulator which [^{F37}which the holder discards or intends or is required to discard];]

[^{F38}“waste electrical and electronic equipment” or “WEEE” means electrical or electronic equipment which [^{F39}the holder discards or intends or is required to discard], including all components, sub-assemblies and consumables, which are part of the product at the time of discarding;]

[^{F40}“waste material” means waste that—

- (a) is household waste, or originates from a source other than household waste but is similar to household waste in terms of its nature or composition;
- (b) has been separately collected (whether as a single kind of material or two or more kinds of material mixed together) for the primary purpose of preparing it for re-use or recycling; and
- (c) consists (whether wholly or in part) of any of the following kinds of material—
 - (i) glass;
 - (ii) metal;
 - (iii) paper;
 - (iv) card;
 - (v) plastic;
 - (vi) fibre-based composite material;]

[^{F41}“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;]

(13) O.J. No. L170, 29.06.2002, p. 81

(14) S.R. 2002 No. 248 as amended

“waterway” has the meaning given by Article 2(2) of the Water Order;

“work” includes preparatory work.

(4) For the purposes of these Regulations a person carries on business as a scrap metal dealer if he carries on a business which consists wholly or partly of buying and selling scrap metal, whether the scrap metal sold is in the form in which it was bought or otherwise, other than a business in the course of which scrap metal is not bought except as materials for the manufacture of other articles and is not sold except as a by-product of such manufacture or as surplus materials bought but not required for such manufacture.

^{F42}(4A)

[^{F43}(5) Any six digit code used to refer to a waste in these Regulations is a reference to that waste as specified by the six digit code in the European Waste Catalogue.]

[^{F44}(6) In a Directive mentioned in paragraph (7) any references to a duty or function of a Member State shall be read as a reference to a duty or function of the Department.

(7) These are—

- (a) the End-of-Life Vehicles Directive;
- (b) the Batteries Directive;
- (c) Directive 2008/98/EC of the European Parliament and of the Council on waste; and
- (d) the WEEE Directive.

(8) Expressions used in both these Regulations and in a Directive mentioned in these Regulations and not otherwise defined in these Regulations have the same meaning as in that Directive immediately before IP completion day.

(9) In these Regulations a reference to an Article or Annex of a Directive is to be read as a reference to that Article or Annex as immediately before IP completion day.]

Textual Amendments

- F1** Words in reg. 1(3) inserted (6.1.2004) by [The Landfill Regulations \(Northern Ireland\) 2003 \(S.R. 2003/496\)](#), reg. 1, **Sch. 5 para. 2(2)** (with Sch. 4)
- F2** Words in reg. 1(3) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **4(2)(a)**
- F3** Words in reg. 1(3) omitted (18.12.2020) by virtue of [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **4(2)(e)**
- F4** Words in reg. 1(3) substituted (19.3.2011) by virtue of [The Animal By-Products \(Enforcement\) Regulations \(Northern Ireland\) 2011 \(revoked\) 2011 \(S.R. 2011/124\)](#), reg. 1, **Sch. 2 para. 5**
- F5** Words in reg. 1(3) added (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 1 para. 3(a)**
- F6** Words in reg. 1(3) substituted (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 1 para. 3(b)**
- F7** Words in reg. 1(3) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **4(2)(b)**
- F8** Words in reg. 1(3) substituted (24.12.2018) by virtue of [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 1 para. 3(c)**
- F9** Words in reg. 1(3) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **4(2)(d)**
- F10** Words in reg. 1(3) substituted (12.6.2014) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/137\)](#), reg. 1, **3(2)(f)**
- F11** Words in reg. 1(3) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **4(2)(g)**

- F12** Words in reg. 1(3) inserted (31.7.2006) by The Waste Management Regulations (Northern Ireland) 2006 (S.R. 2006/280), regs. 1(1), **8(a)**
- F13** Words in reg. 1(3) inserted (20.5.2009) by The Waste Batteries and Accumulators (Treatment and Disposal) Regulations (Northern Ireland) 2009 (S.R. 2009/159), regs. 1, **3(1)(a)** (with reg. 4)
- F14** Words in reg. 1(3) inserted (5.1.2007) by Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (Northern Ireland) 2006 (S.R. 2006/519), reg. 1, **Sch. 1 para. 1(a)** (with Sch. 2)
- F15** Words in reg. 1(3) inserted (8.4.2011) by The Waste Regulations (Northern Ireland) 2011 (S.R. 2011/127), regs. 1(1), **36(a)** (with reg. 9(2))
- F16** Words in reg. 1(3) inserted (5.12.2022) by The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2022 (S.R. 2022/288), regs. 1, **3**
- F17** Words in reg. 1(3) omitted (31.12.2020) by virtue of The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in reg. 1(3) substituted (8.4.2011) by The Waste Regulations (Northern Ireland) 2011 (S.R. 2011/127), regs. 1(1), **36(d)** (with reg. 9(2))
- F19** Words in reg. 1(3) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in reg. 1(3) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in reg. 1(3) substituted (17.8.2015) by The Hazardous Waste (Amendment No. 2) Regulations (Northern Ireland) 2015 (S.R. 2015/288), regs. 1(1), **4(2)(a), 7**
- F22** Words in reg. 1(3) inserted (1.4.2025) by The Waste (Materials Facilities) Regulations (Northern Ireland) 2025 (S.R. 2025/18), regs. 1, **2(1)(a)**
- F23** Words in reg. 1(3) inserted (1.4.2025) by The Waste (Materials Facilities) Regulations (Northern Ireland) 2025 (S.R. 2025/18), regs. 1, **2(1)(b)**
- F24** Words in reg. 1(3) substituted (15.7.2016) by The Waste (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/95), regs. 1(1), **3(2)(b)**
- F25** Words in reg. 1(3) omitted (31.12.2020) by virtue of The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(2)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in reg. 1(3) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(2)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in reg. 1(3) omitted (18.12.2020) by virtue of The Waste (Circular Economy) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/285), regs. 1(1), **4(2)(f)**
- F28** Words in reg. 1(3) inserted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in reg. 1(3) substituted (12.6.2014) by The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/137), regs. 1, **3(2)(b)**
- F30** Words in reg. 1(3) substituted (12.6.2014) by The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/137), regs. 1, **3(2)(c)**
- F31** Words in reg. 1(3) inserted (1.4.2025) by The Waste (Materials Facilities) Regulations (Northern Ireland) 2025 (S.R. 2025/18), regs. 1, **2(1)(c)**
- F32** Words in Regulations substituted (16.7.2005) by virtue of The Hazardous Waste Regulations (Northern Ireland) 2005 (S.R. 2005/300), reg. 1(1), **Sch. 10 para. 9(2)(4)**
- F33** Words in reg. 1(3) substituted (12.6.2014) by The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/137), regs. 1, **3(2)(d)**
- F34** Words in reg. 1(3) inserted (8.4.2011) by virtue of The Waste Regulations (Northern Ireland) 2011 (S.R. 2011/127), regs. 1(1), **36(j)** (with reg. 9(2))

- F35** Word in reg. 1(3) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(2)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in reg. 1(3) substituted (8.4.2011) by The Waste Regulations (Northern Ireland) 2011 (S.R. 2011/127), regs. 1(1), **36(k)** (with reg. 9(2))
- F37** Words in reg. 1(3) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(2)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in reg. 1(3) substituted (12.6.2014) by The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/137), regs. 1, **3(2)(e)**
- F39** Words in reg. 1(3) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(2)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in reg. 1(3) inserted (1.4.2025) by The Waste (Materials Facilities) Regulations (Northern Ireland) 2025 (S.R. 2025/18), regs. 1, **2(1)(d)**
- F41** Words in reg. 1(3) substituted (8.4.2011) by The Waste Regulations (Northern Ireland) 2011 (S.R. 2011/127), regs. 1(1), **36(l)** (with reg. 9(2))
- F42** Reg. 1(4A) revoked (1.6.2015) by The Hazardous Waste (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/238), regs. 1(1), **4(2)(b)**
- F43** Reg. 1(5) substituted (17.8.2015) by The Hazardous Waste (Amendment No. 2) Regulations (Northern Ireland) 2015 (S.R. 2015/288), regs. 1(1), **4(2)(c)**, 7
- F44** Reg. 1(6)-(9) inserted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(3)** (as amended by S.R. 2020/284, regs. 1(1), **3(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Reg. 1 in operation at 19.12.2003, see **reg. 1(1)**

Offences

[^{F45}2. Schedule 6 has effect to prescribe offences for the purposes of Article 3(3)(a) of the 1997 Order.]

Textual Amendments

- F45** Reg. 2 substituted (31.12.2015) by The Waste Management Licensing (Amendment No.2) Regulations (Northern Ireland) 2015 (S.R. 2015/386), regs. 1, **3(2)**

Technical competence

[^{F46}3.—(1) Without prejudice to the European Union (Recognition of Professional Qualifications) Regulations 2015, 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
- (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.]

Textual Amendments

F46 Reg. 3 substituted (5.12.2022) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/288\)](#), regs. 1, 4

Technical competence – transitional provisions

^{F47}4.

Textual Amendments

F47 Reg. 4 revoked (17.8.2015) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/301\)](#), regs. 1(1), 2(3)

Pre-qualification technical competence

[^{F48}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 license 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.]

Textual Amendments

F48 Reg. 5 substituted (5.12.2022) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/288\)](#), regs. 1, **5(1)**

Notice of appeal

6.—(1) A person who wishes to appeal to the Planning Appeals Commission under Article 17 or 36(5) of the 1997 Order (appeals to the Planning Appeals Commission from decisions with respect to licences or from determinations that information is not commercially confidential) shall do so by notice in writing.

(2) The notice shall be accompanied by –

- (a) a statement of the grounds of appeal;
- (b) where the appeal relates to an application for a waste management licence or for the modification, surrender or transfer of a waste management licence, a copy of the appellant’s application and any supporting documents;
- (c) where the appeal relates to a determination under Article 36(2) or (4) of the 1997 Order that information is not commercially confidential, the information in question;
- (d) where the appeal relates to an existing waste management licence (including a waste management licence which has been suspended or revoked), a copy of that waste management licence;
- (e) a copy of any correspondence relevant to the appeal;
- (f) a copy of any other document relevant to the appeal including, in particular, any relevant consent, determination, notice, planning permission under the Planning (Northern Ireland) Order 1991(17) or consent under the Water Order; and
- (g) a statement indicating whether the appellant wishes to appear before and be heard by the Planning Appeals Commission.

(3) On receipt of an appeal the Planning Appeals Commission shall give notice of the appeal to the Department together with copies of the documents mentioned in paragraph (2).

(4) If the appellant wishes to withdraw an appeal, he shall do so by notifying the Planning Appeals Commission in writing and shall send a copy of that notification to the Department.

Commencement Information

I2 Reg. 6 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Time limit for making an appeal

7. Notice of appeal shall be given –

- (a) in the case of an appeal under Article 17 of the 1997 Order, before the expiry of the period of 2 months beginning with –
 - (i) the date of the decision which is the subject of the appeal; or
 - (ii) the date on which the Department is deemed by Article 8(6), 10(5), 13(9) or 14(6) of the 1997 Order to have refused the application;

- (b) in the case of an appeal under Article 36(5) of the 1997 Order, before the expiry of the period of 21 days beginning with the date on which the determination which is the subject of the appeal is notified to the person concerned.

Commencement Information

I3 Reg. 7 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Notification of determination

8.—(1) The Planning Appeals Commission shall notify the appellant in writing of its decision and of its reasons.

(2) The Planning Appeals Commission shall, at the same time as notifying the appellant of its decision, send the Department a copy of any document sent to the appellant under this regulation.

Commencement Information

I4 Reg. 8 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Particulars to be entered in public registers

9.—(1) Subject to Articles 35 and 36 of the 1997 Order and regulation 10, a register maintained by the Department under Article 34(1) of the 1997 Order shall contain full particulars of –

- (a) current or recently current waste management licences (“licences”) granted by the Department and any associated working plans;
- (b) current or recently current applications to the Department for licences, or for the transfer or modification of licences, including details of –
 - (i) documents submitted by applicants containing supporting information;
 - (ii) appropriate details of written representations considered by the Department under Article 8(5)(b), 9(6), 10(4) or 11(7) of the 1997 Order;
 - (iii) notices by the Department rejecting applications;
 - (iv) emergencies resulting in the postponement of references under Article 10(4)(a) of the 1997 Order;
- (c) notices issued by the Department under Article 10 of the 1997 Order effecting the modification of licences;
- (d) notices issued by the Department under Article 12 of the 1997 Order effecting the revocation or suspension of licences or imposing requirements on the holders of licences;
- (e) notices of appeal under Article 17 of the 1997 Order relating to decisions of the Department and other documents relating to such appeals served on or sent to the Department under regulation 6(3) or (4) or 8(2);
- (f) convictions of holders of licences granted by the Department for any offence under Part II of the 1997 Order (whether or not in relation to a licence) [^{F49}or regulation 17(1) of the 2003 Landfill Regulations] including the name of the offender, the date of conviction, the penalty imposed and the name of the Court;
- (g) reports produced by the Department in discharge of any functions under Article 16 of the 1997 Order, including details of –

- (i) remedial or preventive action taken by the Department under Article 16(2) of the 1997 Order;
 - (ii) notices issued by the Department under Article 16(4) of the 1997 Order;
 - (h) any monitoring information relating to the carrying on of any activity under a licence granted by the Department which was obtained by the Department as a result of its own monitoring or was furnished to the Department in writing by virtue of any condition of the licence or Article 44(1) of the 1997 Order;
 - (i) any summary prepared by the Department of the amount of [^{F32}hazardous waste] produced or disposed of;
 - (j) registers and records provided to any district council under regulation 14(5) or 15(1) of the Special Waste Regulations (Northern Ireland) 1998;
 - (k) applications to the Department under Article 13 of the 1997 Order for the surrender of licences, including details of –
 - (i) documents submitted by applicants containing supporting information and evidence;
 - (ii) information and evidence obtained under Article 13(4) of the 1997 Order;
 - (iii) appropriate details of written representations considered by the Department under Article 13(6)(b) of the 1997 Order; and
 - (iv) notices of determination and certificates of completion issued under Article 13(8) of the 1997 Order;
 - (l) reports produced under Article 73(2) of the 1997 Order by a person authorised under that Article;
 - (m) information on exempt activities in accordance with regulation 18(2);
 - ^{F50} [^{F51}(n) all particulars of any conditioning plan submitted to the Department under paragraph 1(3) of Schedule 4 to the 2003 Landfill Regulations or notice given under paragraph 1(5) of Schedule 4 to the 2003 Landfill Regulations.]
 - (o) all particulars of any notice of a decision under paragraph 1(6) of Schedule 4 to the 2003 Landfill Regulations;
 - (p) all particulars of any notification or report required before definitive closure of a landfill under regulation 15(4) of the 2003 Landfill Regulations.]
- (2) The register shall also contain the following –
- (a) where a person authorised by the Department exercises any power under Article 72(2) of the 1997 Order, a record showing when the power was exercised and indicating what information was obtained, and what action was taken, on that occasion;
 - (b) where any information is excluded from the register by virtue of Article 36 of the 1997 Order and the information shows whether or not there is compliance with any condition of a waste management licence, a statement based on that information indicating whether or not there is compliance with that condition.
- (3) For the purposes of this regulation, waste management licences are “recently” current for the period of twelve months after they cease to be in force, and applications for waste management licences, or for the transfer or modification of such licences, are “recently” current if they relate to a waste management licence which is current or recently current or, in the case of an application which is refused, for the period of twelve months beginning with the date on which the Department gives notice of refusal or, as the case may be, on which the application is deemed by Article 8(6), 10(5) or 14(6) of the 1997 Order to have been refused.

Textual Amendments

- F32** Words in Regulations substituted (16.7.2005) by virtue of [The Hazardous Waste Regulations \(Northern Ireland\) 2005 \(S.R. 2005/300\)](#), [reg. 1\(1\)](#), **Sch. 10 para. 9(2)(4)**
- F49** Words in [reg. 9\(1\)\(f\)](#) inserted (6.1.2004) by [The Landfill Regulations \(Northern Ireland\) 2003 \(S.R. 2003/496\)](#), [reg. 1](#), **Sch. 5 para. 2(3)(a)** (with [Sch. 4](#))
- F50** [Reg. 9\(1\)\(n\)-\(p\)](#) inserted (6.1.2004) by [The Landfill Regulations \(Northern Ireland\) 2003 \(S.R. 2003/496\)](#), [reg. 1](#), **Sch. 5 para. 2(3)(a)** (as amended 16.7.2004) by [S.R. 2004/297](#), [regs. 1](#), **9(6)** (with [Sch. 4](#))
- F51** [Reg. 9\(1\)\(n\)](#) substituted (4.6.2007) by virtue of [The Landfill \(Amendment No.2\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/258\)](#), [regs. 1\(1\)](#), **16(1)**

Commencement Information

- I5** [Reg. 9](#) in operation at 19.12.2003, see [reg. 1\(1\)](#)

Information to be excluded or removed from a register

10.—(1) Nothing in regulation 9(1)(g) or (l) or regulation 9(2) shall require a register maintained by the Department under Article 34(1) of the 1997 Order to contain information relating to, or to anything which is the subject-matter of, any criminal proceedings (including prospective proceedings) at any time before those proceedings are finally disposed of.

(2) Nothing in regulation 9 shall require a register maintained by the Department under Article 34(1) of the 1997 Order to contain –

- (a) any such monitoring information as is mentioned in regulation 9(1)(h) after 4 years have elapsed from that information being entered in the register; or
- (b) any information which has been superseded by later information after 4 years have elapsed from that later information being entered in the register.

Commencement Information

- I6** [Reg. 10](#) in operation at 19.12.2003, see [reg. 1\(1\)](#)

Mobile plant

11.—(1) Plant of the following descriptions, if it is designed to move or be moved by any means from place to place with a view to being used at each such place or, if not so designed, is readily capable of so moving or being so moved, but no other plant, shall be treated as being mobile plant for the purposes of Part II of the 1997 Order –

- (a) an incinerator which is an exempt incinerator for the purposes of section 5.1 of Schedule 1 to the 1998 Regulations or Section 5.1 of Part I of Schedule 1 to the 2003 Regulations;
- (b) plant for –
 - (i) the recovery, by filtration or heat treatment, of waste oil from electrical equipment;
 - (ii) the destruction by dechlorination of waste polychlorinated biphenyls or terphenyls (PCBs or PCTs);
 - (iii) the collection or storage of a controlled substance from any waste product, installation or equipment;
- (c) plant for the vitrification of waste;
- (d) plant for the treatment of clinical waste;

- (e) plant for the treatment of waste soil;
- (f) plant for the dewatering of muds, sludges, soils and dredgings;
- (g) plant for the treatment by lime stabilisation of sludge;
- (h) plant for the treatment of contaminated material, substances or products, for the purpose of remedial action with respect to land or a [^{F52}waterway;]
- [^{F53}(i) plant for the crushing of gas discharge lamps.]

(2) In this regulation “controlled substance” means any one of the following: – chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1.1.1 trichloroethane, methyl bromide, hydrobromofluorocarbons, hydrochlorofluorocarbons.

Textual Amendments

- F52** Word in reg. 11(1)(h) substituted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\), reg. 1, Sch. 1 para. 3\(a\)](#) (with Sch. 2)
- F53** Reg. 11(1)(i) inserted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\), reg. 1, Sch. 1 para. 3\(b\)](#) (with Sch. 2)

Commencement Information

- I7** Reg. 11 in operation at 19.12.2003, see [reg. 1\(1\)](#)

[^{F54}Conditions of site licences: WEEE

11A. The Department shall ensure that any site licence granted or varied on or after 12th June 2014 authorising an establishment or undertaking carrying out treatment operations to store or treat WEEE contains such conditions as it considers necessary [^{F55}....]

Textual Amendments

- F54** Reg. 11A substituted (12.6.2014) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/137\), regs. 1, 4](#)
- F55** Words in [reg. 11A](#) omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\), reg. 1, Sch. 1 para. 3\(4\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)

[^{F56}Conditions of waste management licences: waste batteries and accumulators

11B. The Department shall ensure that any waste management licence granted or varied on or after 20th May 2009 authorising an establishment or undertaking to carry out treatment of waste batteries or accumulators contains such conditions as it considers necessary [^{F57}....]

Textual Amendments

- F56** Reg. 11B inserted (20.5.2009) by [The Waste Batteries and Accumulators \(Treatment and Disposal\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/159\), regs. 1, 3\(2\)](#) (with reg. 4)

F57 Words in reg. 11B omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(5)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F58}Conditions of waste management licences: calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators

11C.—[^{F59}(1) The Department must exercise its relevant functions so as it ensures compliance with [^{F60}assimilated] law.]

^{F61}(2)]

Textual Amendments

F58 Reg. 11C inserted (24.10.2014) by [The Waste Management Licensing \(Amendment No. 2\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/253\)](#), regs. 1, 2

F59 Reg. 11C(1) substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F60 Word in reg. 11C substituted (27.2.2025) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) Regulations 2025 \(S.I. 2025/82\)](#), reg. 1(2), **Sch. 10 para. 2(a)**

F61 Reg. 11C(2) omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F62}Conditions of waste management licences: separately collected food waste

11D.—(1) The Department shall ensure that any waste management licence granted or varied on or after 1st April 2015 authorising the storage or treatment (or both) of food waste contains such conditions as it considers necessary to ensure that no waste collected and transported in accordance with Article 5(2E) of the 1997 Order is mixed with any other waste or any material, to the extent that mixing would hamper future recycling.

(2) Any waste management licence granted before 1st April 2015 authorising the storage or treatment (or both) of food waste and which continues in existence after that date shall be deemed to contain a condition requiring the operator to ensure that food waste collected and transported in accordance with Article 5(2E) of the 1997 Order is not mixed with any other waste or any material, to the extent that mixing would hamper future recycling.]

Textual Amendments

F62 Reg. 11D inserted (14.2.2015) by [The Food Waste Regulations \(Northern Ireland\) 2015 \(S.R. 2015/14\)](#), regs. 1(1), 5(2)

[^{F63}Conditions of waste management licences: Materials facilities

11E. The Department shall ensure that any waste management licence granted or varied on or after 1st April 2025 authorising the treatment of waste material at a materials facility contains a condition requiring the holder of the licence to comply with the Materials Facilities Code.]

Textual Amendments

- F63** Reg. 11E inserted (1.4.2025) by [The Waste \(Materials Facilities\) Regulations \(Northern Ireland\) 2025 \(S.R. 2025/18\)](#), regs. 1, **2(2)**

[^{F64}Health at Work

12.—(1) With the exception of a Ship Recycling Permit, no conditions shall be imposed in any waste management licence, disposal licence or resolution for the purpose only of securing the health of persons at work (within the meaning of Part I of the Health and Safety at Work (Northern Ireland) Order 1978).

(2) In this regulation “Ship Recycling Permit” means a waste management licence granted under Article 6 (Waste management licences: general) of the Waste and Contaminated Land (Northern Ireland) Order 1997 or a permit granted under regulation 10 (Permits: general provisions) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 to ensure compliance with Articles 13 [^{F65}to 15] of Regulation (EU) No. 1257/2013 of the European Parliament and of the Council on ship recycling .]

Textual Amendments

- F64** Reg. 12 substituted (18.5.2015) by [The Ship Recycling Facilities Regulations \(Northern Ireland\) 2015 \(S.R. 2015/229\)](#), regs. 1, 7
- F65** Words in reg. 12(2) substituted (31.12.2020) by [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/277\)](#), regs. 1, **2(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Waste oils

13.—(1) Where a waste management licence, disposal licence or resolution authorises the regeneration of waste oil, it shall include conditions which ensure that base oils derived from regeneration do not constitute a toxic and dangerous waste and do not contain PCBs or PCTs at all or do not contain them in concentrations beyond a specified maximum limit which in no case is to exceed 50 parts per million.

(2) Where a waste management licence, disposal licence or resolution authorises the keeping of waste oil, it shall include conditions which ensure that it is not mixed with toxic and dangerous waste or PCBs or PCTS.

(3) In this regulation –

“PCBs or PCTs” means polychlorinated biphenyls, polychlorinated terphenyls and mixtures containing one or both of such substances; and

“toxic and dangerous waste” means any waste containing or contaminated by arsenic, arsenic compounds, mercury, mercury compounds, cadmium, cadmium compounds, thallium, thallium compounds, beryllium, beryllium compounds, chrome 6 compounds, lead, lead compounds, antimony, antimony compounds, phenols, phenol compounds, cyanides, organic and inorganic isocyanates, organic-halogen compounds, excluding inert polymeric materials and other substances referred to in this list or covered by other Directives concerning the disposal of toxic or dangerous waste, chlorinated solvents, organic solvents, biocides and phyto-pharmaceutical substances, tarry materials from refining and tar residues from distilling, pharmaceutical compounds, peroxides, chlorates, perchlorates and azides, ethers, chemical laboratory materials, not identifiable and/or new, whose effects on the environment are

not known, asbestos (dust and fibres), selenium, selenium compounds, tellurium, tellurium compounds, aromatic polycyclic compounds (with carcinogenic effects), metal carbonyls, soluble copper compounds, acids and/or basic substances used in the surface treatment and finishing of metal; of such a nature, in such quantities or in such concentrations as to constitute a risk to health or the environment.

Commencement Information
I8 Reg. 13 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Groundwater

^{F66}**14.**

Textual Amendments
F66 Reg. 14 revoked (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), [regs. 1\(1\), 10](#)

Amendments to the Groundwater Regulations (Northern Ireland) 1998

- 15.**—(1) The Groundwater Regulations (Northern Ireland) 1998(**18**) shall be amended as follows.
- (2) In regulation 2(1) (Interpretation) –
 - (a) after the definition of direct discharge add –
 - ““existing disposal licence” and “existing resolution of a district council” shall have the meanings given by Article 47(1) of the Waste and Contaminated Land (Northern Ireland) Order 1997;” and
 - (b) at the end add –
 - ““waste management licence” means a waste management licence issued under the Waste and Contaminated Land (Northern Ireland) Order 1997.”.
- (3) At the end of regulation 3 (Exclusions from these Regulations) add –
 - “(d) any activity for which a waste management licence has been granted or in respect of which an existing disposal licence or an existing resolution of a district council subsists.”.

Commencement Information
I9 Reg. 15 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Exclusion of activities under other control regimes from waste management licensing

- 16.**—(1) Subject to paragraph (2), Article 4(1)(a), (b) and (c) of the 1997 Order shall not apply in relation to the carrying on of any of the following activities –
 - (a) the deposit in or on land, recovery or disposal of waste under an authorisation granted under the Industrial Pollution Control Order where the activity is or forms part of a process designated for integrated central control under Article 3(4) of that Order;

- (b) the disposal of waste under an authorisation granted under the Industrial Pollution Control Order where the activity is or forms part of a process within paragraph (a) of Part C of Section 5.1 (incineration) of Schedule 1 to the 1998 Regulations in so far as the activity results in releases of substances into the air;
 - (c) the deposit in or on land, recovery or disposal of waste under a permit granted under the 2003 Regulations to operate a Part A installation;
 - (d) the disposal of waste under a permit granted under the 2003 Regulations where the activity is or forms part of an activity within paragraph (a) or (b) of Part C of section 5.1 (incineration) of Part I of Schedule 1 to those Regulations in so far as the activity results in the release of substances into the air;
 - (e) the discharge of liquid waste under a consent under the Water Order or the Water and Sewerage Services (Northern Ireland) Order 1973; ^{F67}...
 - (f) the recovery or disposal of waste where the activity is or forms part of an operation which is for the time being, either –
 - (i) the subject of a licence under Part II of the Food and Environment Protection Act 1985⁽¹⁹⁾; or
 - (ii) carried on in circumstances where such a licence would be required but for an order under section 7 of that Act ^{F68}; or
 - (iii) the subject of a licence under Part 4 of the Marine and Coastal Access Act 2009^{F69}; and
 - (g) the disposal of agricultural waste in or on land under an authorisation under regulation 17 of the Groundwater Regulations (Northern Ireland) 1998.]
- (2) Paragraph (1)(a), (b) and (d) does not apply insofar as the activity involves the final disposal of waste by deposit in or on land.
- ^{F70}(2A) Paragraph (1)(f)(iii) does not apply to a working dry dock area within a port regulated by a harbour order under the Harbours Act (Northern Ireland) 1970.]
- (3) In paragraph (1)(c) “Part A installation” has the meaning given by regulation 2(2) of the 2003 Regulations.

Textual Amendments

- F67** Word in reg. 16(1)(e) omitted (31.7.2006) by virtue of [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **11(1)**
- F68** Reg. 16(1)(f)(iii) and word substituted for full stop (8.4.2011) by virtue of [The Waste Regulations \(Northern Ireland\) 2011 \(S.R. 2011/127\)](#), regs. 1(1), **38(1)(a)** (with reg. 9(2))
- F69** Reg. 16(1)(g) and word inserted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **11(2)**
- F70** Reg. 16(2A) inserted (8.4.2011) by [The Waste Regulations \(Northern Ireland\) 2011 \(S.R. 2011/127\)](#), regs. 1(1), **38(1)(b)** (with reg. 9(2))

Commencement Information

- I10** Reg. 16 in operation at 19.12.2003, see [reg. 1\(1\)](#)

(19) 1985 c. 48; Part II is amended by sections 146 and 147 of, and Part VIII of Schedule 16 to, the Environmental Protection Act 1990 (c. 43)

[^{F71}Exclusion from waste management licensing: waste batteries and accumulators

16A. Article 4(1)(a), (b) and (c) of the 1997 Order shall not apply in relation to the storage of waste portable batteries or accumulators at a collection point where “collection point” means a place where end-users are able to deposit waste portable batteries or accumulators at the premises of a distributor fulfilling its duty to take back such waste portable batteries or accumulators ^{F72}....]

Textual Amendments

- F71** Reg. 16A inserted (20.5.2009) by [The Waste Batteries and Accumulators \(Treatment and Disposal\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/159\)](#), regs. 1, **3(3)** (with reg. 4)
- F72** Words in [reg. 16A](#) omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(7)**; 2020 c. 1, Sch. 5 para. 1(1)

Exemptions from waste management licensing

17.—(1) Subject to the following provisions of this regulation and of regulations 18, 19 and 20 and to any conditions or limitations in Part I of Schedule 2, Article 4(1)(a) and (b) of the 1997 Order shall not apply in relation to the carrying on of any exempt activity.

- (2) In the case of an exempt activity which is carried out on land, paragraph (1) only applies if –
- the exempt activity is carried on by or with the consent of the occupier of the land where the activity is carried on; or
 - the person carrying on the exempt activity is otherwise entitled to do so on that land.

(3) Unless otherwise indicated in Part I of Schedule 2, paragraph (1) does not apply to the carrying on of an exempt activity in so far as it involves [^{F32}hazardous waste] or treatment of end of life vehicles.

[^{F73}(3A) Unless otherwise indicated in Part I of Schedule 2, paragraph (1) above does not apply to the carrying out of an exempt activity in so far as it involves the storage or treatment of WEEE [^{F74}or waste batteries or accumulators].]

(4) Paragraph (1) only applies in relation to an exempt activity by an establishment or undertaking if –

- the type and quantity of waste submitted to the activity, and the method of disposal or recovery of waste is consistent with the need to attain the objectives mentioned in paragraph 4(1)(a) of Part I of Schedule 3;
- any information required under regulation 18(3) and 18(5) [^{F75}has] been sent to the Department in the manner specified therein^{F76}; and
- any fee required under regulation 20B has been paid.]

(5) Subject to paragraph (6), paragraph (1) shall not apply to any exempt activity if that activity is carried out or is proposed to be carried out in or on land which is in the occupation of a person who is the holder of a licence for that land.

(6) Paragraph (5) shall not apply where the establishment or undertaking has received written approval from the Department for the activity in question.

(7) For the purposes of paragraph (5), any reference to a licence shall include a reference to an existing disposal licence or an existing resolution of a district council as defined in Article 47(1) of the 1997 Order.

(8) Paragraph (4)(b) and regulations 18 to 20 shall not apply to exempt activities which are set out in paragraphs 27, 32, 33, 35, 37, 38, 39, 41, 42 or 43 of Part I of Schedule 2.

Textual Amendments

- F32** Words in Regulations substituted (16.7.2005) by virtue of [The Hazardous Waste Regulations \(Northern Ireland\) 2005 \(S.R. 2005/300\)](#), reg. 1(1), **Sch. 10 para. 9(2)(4)**
- F73** Reg. 17(3A) inserted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\)](#), reg. 1, **Sch. 1 para. 5** (with Sch. 2)
- F74** Words in reg. 17(3A) inserted (20.5.2009) by [The Waste Batteries and Accumulators \(Treatment and Disposal\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/159\)](#), regs. 1, **3(4)** (with reg. 4)
- F75** Word in reg. 17(4)(b) substituted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), **ss. 65(4)(a)**, 147(6) (with s. 144); [S.R. 2022/54](#), art. 2(1)(k)
- F76** Reg. 17(4)(c) and word inserted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), **ss. 65(4)(b)**, 147(6) (with s. 144); [S.R. 2022/54](#), art. 2(1)(k)

Commencement Information

- I11** Reg. 17 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Registration in connection with exempt activities

18.—(1) It shall be an offence for an establishment or undertaking to carry on, after 19th June 2004, an exempt activity without being registered with the Department.

(2) Subject to paragraph (3), the register maintained under Article 34(1) of the 1997 Order shall contain the following particulars in relation to each such establishment or undertaking which carries on an exempt activity –

- (a) the name and address of the establishment or undertaking, its telephone number and, if applicable, fax number and e-mail address;
- (b) the activity which constitutes the exempt activity;
- (c) the place or places where the activity is carried on; and
- (d) a copy of any information received by the Department under paragraphs (3) and (5).

(3) [^{F77}Subject to paragraphs (4), (4A), (5), (5A) and (5B),] the Department shall enter the particulars referred to in paragraph (2) in the register in relation to an establishment or undertaking if it receives notice of them in writing and –

- (a) that notice is provided to it by or on behalf of that establishment or undertaking;
- (b) that notice is accompanied by a plan of each place at which any such exempt activity is carried on showing –
 - (i) the boundaries of that place;
 - (ii) the locations within that place at which the exempt activity is to be carried on;
 - (iii) the location and specifications of any impermeable pavements, drainage systems or hardstandings as are required by a relevant paragraph of Part I of Schedule 2.
- (c) that notice contains the correct 6 figure Ordnance Survey Irish grid reference showing the location of each place referred to in sub-paragraph (b);
- (d) that notice is accompanied by [^{F78}payment, in respect of each place where any such exempt activity is being carried on, of any fee that may be required under regulation 20B]; and
- (e) the registration has not been refused under regulation 20.

(4) Paragraph 3(b) and (c) shall not apply to the exempt [^{F79}activity set out in paragraph 31] of Part I of Schedule 2 [^{F80}or where the waste which is the subject of the exempt activity consists of agricultural waste.]

[^{F81}(4A) Paragraph (3)(d) shall not apply to an exempt activity where the waste which is the subject of the exempt activity consists of agricultural waste.]

[^{F82}(5) In the case of exempt activities set out in [^{F83}paragraph 9], 10, 11, 13, 19, or 45 of Part I of Schedule 2, except where the waste which is the subject of the exempt activity consists of agricultural waste, any additional information specified in Part II of that Schedule shall be entered in the register.

(5A) In the case of exempt activities set out in paragraphs 9, 10, 11, 25 or 47A of Part I of Schedule 2, where the waste which is the subject of the exempt activity consists of agricultural waste or in any event where the activity is carried out under paragraph 25 the establishment or undertaking shall provide to the Department details of the benefit to agriculture or ecological improvement in accordance with Part III of Schedule 2 and these details shall be entered in the register.]

[^{F84}(5B) In the case of an exempt activity falling within paragraph 49 of Part I of Schedule 2 the Department shall enter the relevant particulars in relation to an establishment or undertaking only if it has carried out an inspection of the place at which the exempt activity is to be carried on in accordance with sub-paragraph (4A) of paragraph 13 of Schedule 3 and is satisfied as to the particulars to be verified under that sub-paragraph.]

(6) Subject to paragraph (7), the information to be notified to the Department shall be given in writing no later than 28 days before any exempt activity is carried out on the relevant land.

(7) In the case of an exempt activity set out in paragraph 47 of Part I of Schedule 2, the necessary information shall be notified to the Department as soon as is practicable.

(8) Subject to paragraph (9), the registration of an exempt activity shall cease to have effect on the expiry of the period of 3 years beginning with and including the date of the registration or the date of renewal under paragraph (11).

(9) In the case of exempt activities set out in paragraphs 9, 10, 11, 13, 19, 45, 46 [^{F85}, 47 and 49 to 52] of Part I of Schedule 2, paragraph (8) shall have effect as if for “3 years” there is substituted “1 year”.

(10) The Department shall, no later than 2 months before the expiry of the periods mentioned in paragraphs (8) and (9), serve on a registered establishment or undertaking a notice specifying –

- (a) the date on which the registration will expire; and
- (b) the effect of the expiry of the registration.

(11) The Department shall renew the particulars registered in respect of an exempt activity at the date of expiry of the previous registration relating to such activity (“the expiry date”) if no later than 28 days before the expiry date the establishment or undertaking carrying on such activity –

- (a) serves written notice on the Department of its desire to renew the registration;
- (b) pays on or before the expiry date the fee [^{F86}required under regulation 20B] for such renewal;
- (c) confirms in such notice that there are no changes in the particulars registered in relation to that activity; or
- (d) if there are any such changes, specifies in such notice the details of the changes and provides the amended documents and/or plans as may be required under paragraphs (3) and (5) in relation to the activity.

^{F87}(12)

(13) On entering the particulars referred to in paragraph (2) in the register referred to in paragraph (2) the Department shall issue to the establishment or undertaking to whom the particulars

relate, a notice confirming that such particulars have been so registered and giving the date of entry of such particulars on the register.

(14) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Textual Amendments

- F77** Words in reg. 18(3) substituted (5.1.2007) by Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (Northern Ireland) 2006 (S.R. 2006/519), reg. 1, **Sch. 1 para. 6(a)** (with Sch. 2)
- F78** Words in reg. 18(3)(d) substituted (28.2.2022) by Environment Act 2021 (c. 30), **ss. 65(5)(a)**, 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(k)
- F79** Words in reg. 18(4) substituted (31.3.2009) by The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/76), regs. 1(1), **4(a)**
- F80** Words in reg. 18(4) inserted (31.7.2006) by The Waste Management Regulations (Northern Ireland) 2006 (S.R. 2006/280), regs. 1(1), **12(2)**
- F81** Reg. 18(4A) inserted (31.7.2006) by The Waste Management Regulations (Northern Ireland) 2006 (S.R. 2006/280), regs. 1(1), **12(3)**
- F82** Reg. 18(5)(5A) substituted for reg. 18(5) (31.7.2006) by The Waste Management Regulations (Northern Ireland) 2006 (S.R. 2006/280), regs. 1(1), **12(4)**
- F83** Words in reg. 18(5) substituted (31.3.2009) by The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/76), regs. 1(1), **4(b)**
- F84** Reg. 18(5B) inserted (5.1.2007) by Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (Northern Ireland) 2006 (S.R. 2006/519), reg. 1, **Sch. 1 para. 6(b)** (with Sch. 2)
- F85** Words in reg. 18(9) substituted (28.2.2022) by Environment Act 2021 (c. 30), **ss. 65(5)(b)**, 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(k)
- F86** Words in reg. 18(11)(b) substituted (28.2.2022) by Environment Act 2021 (c. 30), **ss. 65(5)(c)**, 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(k)
- F87** Reg. 18(12) omitted (28.2.2022) by virtue of Environment Act 2021 (c. 30), **ss. 65(5)(d)**, 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(k)

Commencement Information

- I12** Reg. 18 in operation at 19.12.2003, see **reg. 1(1)**

Registration obligations

19.—(1) Subject to paragraph (2), in the case of an exempt activity set out in the first column of Part II of Schedule 2, the relevant obligations set out in the second column of that Schedule (“the registration obligations”) shall apply to the registration of that activity.

(2) The Department may notify an establishment or undertaking in writing that some or all of the information required by regulation 18 [^{F88}or any fee required] does not need to be included with any notification under that regulation.

(3) Without prejudice to any requirement to keep records under paragraph 14 of Part I of Schedule 3, an establishment or undertaking carrying out an exempt activity to which this regulation applies, shall keep copies of the plans and documents specified in Part II of Schedule 2 for a period of at least 2 years.

Textual Amendments

F88 Words in reg. 19(2) inserted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **13**

Commencement Information

I13 Reg. 19 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Refusal, revocation and cessation of registration

20.—(1) The Department may refuse to register an exempt activity in the event that the activity or, as the case may be, the content of the notification under regulation 18 does not comply with any requirements of regulations 17(4), 18(2) and 18(3) or any conditions or limitations set out in respect of the exempt activity in regulation 19(1) and 19(2) and in Parts I and II of Schedule 2.

(2) Where the Department has refused to register an activity under paragraph (1), it shall serve a notice on the establishment or undertaking stating that the registration has been refused and giving the reasons for its decision.

(3) [^{F89}Subject to paragraph (3A) unless the Department] has within the period of 28 days from the date on which it received a notice under regulation 18(3), either –

- (a) entered the relevant particulars in the register in relation to the establishment or undertaking which submitted the notice; or
- (b) served on it a notice of refusal stating that registration is refused and giving reasons for that decision,

those particulars shall be entered in the register at the end of that 28 day period.

[^{F90}(3A) In the case of an exempt activity falling within paragraph 49 of Part I Schedule 2, unless the Department has within two months from the date on which it received a notice under regulation 18(3), either:

- (i) entered the relevant particulars in the register in relation to the establishment or undertaking that submitted the notice; or
- (ii) served on it a notice of refusal stating that registration is refused and giving the reasons for the decision,

those particulars shall be entered in the register at the end of the two month period.]

(4) If an establishment or undertaking fails to supply all of the information required under regulations 18 and 19, the 28-day period referred to in paragraph (3) shall commence on the date on which the Department receives all of that information.

(5) Subject to paragraphs (6) and (7), the Department may revoke the registration of an exempt activity where it is satisfied that –

- (a) the establishment or undertaking to which the relevant entry relates no longer exists or has ceased to carry out that activity; or
- (b) the activity is no longer being carried out in compliance with the conditions or limitations of the relevant paragraph of Part I of Schedule 2 or with the relevant provisions of [^{F91}regulation 17(2) or (4);]
- (c) there has been a breach of any of the registration obligations applicable to that [^{F92}activity; or]

[^{F93}(d) in the case of an exempt activity falling within paragraph 49 of Part I Schedule 2 where the competent authority has carried out an inspection in accordance with sub-paragraph (4A)

of paragraph 13 of Schedule 3 and the particulars required to be verified under that subparagraph are not met.]

(6) Before revoking a registration, the Department shall serve on the establishment or undertaking carrying out the exempt activity, a notice (“a revocation notice”) stating that the registration is to be revoked and giving reasons for the decision.

(7) The revocation notice shall specify a date on which the revocation is to take place, which shall be at least 28 days after the date on which the notice is served.

(8) Subject to paragraph (9), details of registrations which have expired or which have been revoked under paragraph (5) shall remain on the register for a period of 4 years from the date of expiry or revocation.

(9) An entry retained on the register under paragraph (8) shall be appropriately marked to show that it has expired or been revoked.

(10) Nothing in this regulation shall prejudice the effect of the registration of the establishment or undertaking in respect of the period ending on the date on which the relevant entry is revoked or otherwise cancelled.

Textual Amendments

- F89** Words in reg. 20(3) substituted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\)](#), reg. 1, **Sch. 1 para. 7(a)** (with Sch. 2)
- F90** Reg. 20(3A) inserted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\)](#), reg. 1, **Sch. 1 para. 7(b)** (with Sch. 2)
- F91** Words in reg. 20(5)(b) substituted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\)](#), reg. 1, **Sch. 1 para. 7(c)** (with Sch. 2)
- F92** Words in reg. 20(5)(c) substituted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\)](#), reg. 1, **Sch. 1 para. 7(d)** (with Sch. 2)
- F93** Reg. 20(5)(d) inserted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\)](#), reg. 1, **Sch. 1 para. 7(e)** (with Sch. 2)

Commencement Information

- I14** Reg. 20 in operation at 19.12.2003, see [reg. 1\(1\)](#)

[^{F94}F] Food waste exemptions from waste management licensing

20A.—(1) An establishment or undertaking carrying out an exempt activity in respect of food waste, under paragraphs 13 or 40 of Part 1 of Schedule 2 (Activities exempt from waste management licensing), may continue to carry out that activity at that place in accordance with these Regulations, as they were in operation immediately before 1 April 2015 until the determination date.

(2) “Determination date” in this regulation means where in accordance with regulation 18, notice is given by an establishment or undertaking in relation to an exempt activity in respect of food waste under paragraphs 13 or 40 of Part 1 of Schedule 2 (Activities exempt from waste management licensing), the date on which the Department enters the relevant particulars in the register or, if it refuses to do so, the date it notifies the establishment or undertaking of its decision.]

Textual Amendments

F94 Reg. 20A inserted (14.2.2015) by [The Food Waste Regulations \(Northern Ireland\) 2015 \(S.R. 2015/14\)](#), regs. 1(1), **5(3)**

[^{F95}Fees and charges for registration in connection with exempt activities

20B.—(1) There are to be charged by and paid to the Department—

- (a) in respect of applications for registration, and
- (b) in respect of the subsistence of registrations,

such fees and charges as may be provided for by a scheme under paragraph (2) (but this is subject to regulations 18(4A) and 19(2)).

(2) The Department may make, and from time to time revise, a scheme (“a charging scheme”) specifying—

- (a) fees in respect of applications for registration, payable to the Department, by the applicant, in respect of each place to which an application relates;
- (b) charges in respect of the subsistence of registrations, payable to the Department by persons to whom registrations have been issued.

(3) The Department must, when it makes or amends a charging scheme—

- (a) lay a copy of the scheme or amendments before the Assembly, and
- (b) publish the scheme or the amendments.

(4) A charging scheme may in particular—

- (a) provide for fees or charges payable in respect of applications or the subsistence of registrations to differ according to the activities to which the applications or registrations relate (including by providing for no fee or charge in the case of some activities);
- (b) provide for reductions of fees where conditions specified in the scheme are met;
- (c) provide for the times at which, and the manner in which, payments of fees or charges are to be made;
- (d) make such incidental, supplementary and transitional provision as appears to the Department to be appropriate.

(5) If it appears to the Department that a person to whom a registration has been issued has failed to pay a charge due in respect of the subsistence of the registration, the Department may, by notice in writing served on that person, revoke the registration.

(6) In this regulation—

- (a) “registration” means registration under regulation 18;
- (b) any reference to an application for registration includes an application for renewal of a registration.]

Textual Amendments

F95 Reg. 20B inserted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), ss. **65(6)**, 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(k)

Waste Framework Directive

21. Schedule 3 ^{F96}... shall have effect.

Textual Amendments

F96 Words in reg. 21 omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, [Sch. 1 para. 3\(8\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I15 Reg. 21 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Registration of brokers

22.—^{F97}(1) Subject to paragraphs (2) to (4), it shall be an offence for an establishment or undertaking to arrange as a broker or dealer for the disposal or recovery of controlled waste on behalf of another person unless it is a registered broker or dealer in controlled waste.]

(2) Paragraph (1) shall not apply in relation to an arrangement under which an establishment or undertaking will itself carry out the disposal or recovery of the waste and either –

^{F98}(a) it is authorised to carry out the disposal or recovery of the waste by a waste management licence under Article 6 of the 1997 Order, a disposal licence, a resolution, an authorisation under Articles 6 to 12 of the Industrial Pollution Control Order, a permit under the 2003 Regulations, a discharge consent under Article 9 of the Water Order, a licence under Part II of the Food and Environment Protection Act 1985 or a marine licence under section 65 of the Marine and Coastal Access Act 2009; or]

(b) the recovery of the waste is covered by an exemption conferred by –

(i) regulation 17(1) and Part I of Schedule 2; or

(ii) ^{F99}Article 4 of the Marine Licensing (Exempted Activities) Order 2011].

(3) Paragraph (1) shall not apply in relation to an arrangement for the disposal or recovery of controlled waste made by a person who is registered as a carrier of controlled waste, or who is registered for the purposes of paragraph 12(1) of Part I of Schedule 3, if as part of the arrangement he transports the waste to or from any place in Northern Ireland.

(4) Paragraph (1) shall not apply to –

(a) a Government Department;

(b) a district council; or

(c) an establishment or undertaking which –

(i) is a charity within the meaning of section 35 of the Charities Act (Northern Ireland) 1964⁽²⁰⁾;

(ii) is a voluntary body within the meaning of section 148 of the Local Government Act (Northern Ireland) 1972⁽²¹⁾;

(iii) applies before 19 August 2004 in accordance with Schedule 4 for registration as a broker of controlled waste but only whilst its application is pending (and paragraph 1(2) and (5) of Schedule 4 shall apply for the purpose of determining whether an application is pending);

⁽²⁰⁾ 1964 c. 33 (N.I.)

⁽²¹⁾ 1972 c. 9 (N.I.)

- [^{F100}(iv) arranges on behalf of another person (as dealer or broker) for the disposal or recovery of agricultural waste or mines or quarries waste only; or
- (v) arranges on behalf of another person (as dealer or broker) for the disposal or recovery of waste comprising animal by-products only.]

[^{F101}(5) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale;]

(6) Article 78 of the 1997 Order shall apply in relation to an offence under this regulation as it applies in relation to an offence under that Order.

(7) Schedule 4 (which makes provision for the registration of brokers [^{F102}or dealers] of controlled waste) shall have effect.

(8) Articles 44(1) and (2) and 72 of the 1997 Order (power to obtain information and powers of enforcing authorities) shall have effect as if the provisions of this regulation and Schedule 4 were provisions of Part II of that Order.

Textual Amendments

- F97** Reg. 22(1) substituted (8.4.2011) by [The Waste Regulations \(Northern Ireland\) 2011 \(S.R. 2011/127\)](#), regs. 1(1), **39(1)(a)** (with reg. 9(2))
- F98** Reg. 22(2)(a) substituted (8.4.2011) by [The Waste Regulations \(Northern Ireland\) 2011 \(S.R. 2011/127\)](#), regs. 1(1), **39(1)(b)** (with reg. 9(2))
- F99** Words in reg. 22(2)(b)(ii) substituted (6.4.2011) by [The Marine Licensing \(Exempted Activities\) Order \(Northern Ireland\) 2011 \(S.R. 2011/78\)](#), arts. 1, **35(2)**
- F100** Reg. 22(4)(c)(iv)(v) inserted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **14**
- F101** Reg. 22(5) substituted (8.4.2011) by [The Waste Regulations \(Northern Ireland\) 2011 \(S.R. 2011/127\)](#), regs. 1(1), **39(1)(c)** (with reg. 9(2))
- F102** Words in reg. 22(7) inserted (8.4.2011) by [The Waste Regulations \(Northern Ireland\) 2011 \(S.R. 2011/127\)](#), regs. 1(1), **39(1)(d)** (with reg. 9(2))

Commencement Information

- I16** Reg. 22 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Amendment of the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995

^{F103}**23.**

Textual Amendments

- F103** Reg. 23 revoked (6.4.2011) by [The Marine Licensing \(Exempted Activities\) Order \(Northern Ireland\) 2011 \(S.R. 2011/78\)](#), arts. 1, **36(b)**

Amendment of the Special Waste Regulations (Northern Ireland) 1998

24.—(1) The Special Waste Regulations (Northern Ireland) 1998(**22**) shall be amended as follows.

(2) In regulation 1(4) the following definitions shall be inserted at the appropriate places –

“the 2003 Regulations” means the Waste Management Licensing Regulations (Northern Ireland) 2003;

“waste management licence” shall include a disposal licence and a resolution passed under Article 13 of the 1978 Order;.

(3) In regulation 14 (registers), for paragraphs (5), (6) and (7) there shall be substituted the following –

“(5) Subject to paragraphs (6) and (7), consignment notes and carrier’s schedules required by paragraph (3) to be kept by a person shall be retained until his waste management licence for the site in question is surrendered or revoked entirely, at which time he shall send the register to the Department for the site; and the Department shall retain the register for not less than three years after its receipt.

(6) Where, by virtue of regulation 16(1)(a) or (b) of the 2003 Regulations, Article 4(1) (a), (b) and (c) of the 1997 Order does not apply to any of the activities carried on at a site at which special waste is received, paragraph 5 shall have effect as if any reference to the surrender or revocation of a person’s waste management licence were a reference to the surrender or revocation of his authorisation under the Industrial Pollution Control (Northern Ireland) Order 1997 for the site in question.

(6A) Where, by virtue of regulation 16(1)(c) or (d) of the 2003 Regulations, Article 4(1) (a), (b) and (c) of the 1997 Order does not apply to any of the activities carried on at a site at which special waste is received, paragraph (5) shall have effect as if any reference to the surrender or revocation of a person’s waste management licence were a reference to the surrender or revocation of his permit under the Pollution Prevention and Control Regulations (Northern Ireland) 2003 for the site in question.

(7) Where, in circumstances other than those mentioned in paragraph (6) or (6A), Article 4(1)(a) and (b) of the 1997 Order does not apply to any of the activities carried on at a site at which special waste is received, each consignment note and carrier’s schedule required to be kept in a register shall be kept in that register for not less than three years from the date on which the consignment of special waste to which it relates was received at the site to which it was transported.”.

Commencement Information

I17 Reg. 24 in operation at 19.12.2003, see [reg. 1\(1\)](#)

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

25.—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999(**23**) shall be amended as follows.

(2) In regulation 1(2), the following definitions shall be inserted at the appropriate place –

“the 2003 Regulations” means the Waste Management Licensing Regulations (Northern Ireland) 2003;

“the Community Regulation” means Regulation ([EC](#)) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption as amended by and as read with –

- (a) Commission Regulation (EC) No. 808/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption;
 - (b) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures;
 - (c) Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs;
 - (d) Commission Decision 2003/320/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the use in feed of used cooking oil;
 - (e) Commission Decision 2003/321/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the processing standards for mammalian blood;
 - (f) Commission Decision 2003/326/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants; and
 - (g) Commission Decision 2003/327/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them.”.
- (3) For regulation 2(1)(d) there shall be substituted –
- “(d) any wholly owned subsidiary of the Northern Ireland Railways Company Limited which has applied in accordance with these Regulations for registration as a carrier of controlled waste but only –
- (i) if it is registered under paragraph 12 of Part I of Schedule 3 to the 2003 Regulations; and
 - (ii) whilst its application is pending.”.

(4) For regulation 2(1)(j), there shall be substituted –

“(d) subject to paragraph (1A) a person transporting animal by-products provided that such transportation –

 - (i) is by the holder of an approval in accordance with the Community Regulation;
 - (ii) is in connection with the activity to which that approval relates; and
 - (iii) only involves waste which is animal by-products.”.

(5) After regulation 2(1), there shall be inserted –

“(1A) Regulation 2(1)(j) shall not apply to the transportation of animal by-products –

 - (a) for the purposes of their final deposit in or on land or for the purposes of their incineration or co-incineration;
 - (b) which are dead domestic pets; or
 - (c) which comprise or contain either catering waste or waste which is former foodstuffs unless such waste is to be fed to animals in accordance to Article 23(2) of the Community Regulation.

- (1B) For the purpose of paragraph (1A), the reference to feeding waste to animals shall be taken to include a reference to feeding such waste to maggots.”
- (6) In regulation 2(2) –
- (a) for the definition of “animal by-products” there shall be substituted –
- ““animal by-products” has the meaning given by Article 2 of the Community Regulation;”; and
- (b) the following definitions shall be inserted at the appropriate places –
- ““catering waste”, “incineration” and “co-incineration” shall have the meaning set down in Annex I to the Community Regulation;
- “former foodstuffs” are those animal by-products referred to in Article 6(1)(f) of the Community Regulation;
- “wholly owned subsidiary” has the same meaning as in Article 4 of the Companies (Northern Ireland) Order 1986.”
- (7) After regulation 4(6), there shall be inserted the following paragraphs –
- “(6A) Where an applicant wishes to apply to be registered both as a broker and as a carrier of controlled waste, he may make a combined application on a form provided by the Department for that purpose.
- (6B) Where an applicant wishes to apply both for the renewal of his registration as a broker of controlled waste and for the renewal of his registration as a carrier of controlled waste, he may make a combined application on a form provided by the Department for that purpose.”.
- (8) For regulation 4(7), there shall be substituted –
- “(7) The Department shall provide a copy of the appropriate application form free of charge to any person requesting one.”.
- (9) For regulation 4(8), there shall be substituted –
- “(8) The Department shall charge an applicant in respect of its consideration of his application –
- (a) subject to paragraph (c), in the case of either an application for registration as a carrier of controlled waste or a combined application for registration as both a carrier and broker of controlled waste, £120;
- (b) in the case of either an application for the renewal of a registration as a carrier of controlled waste or a combined application for renewal of registration both as a carrier and as a broker of controlled waste, £60;
- (c) in the case of an application by a registered broker of controlled waste for registration as a carrier of controlled waste, £30,
- and the applicant shall pay the charge when he makes his application.”.
- (10) After regulation 4(10) there shall be inserted –
- “(11) In this regulation –
- “broker of controlled waste” has the same meaning as in regulation 22 of, and Schedule 4 to, the 2003 Regulations;”.

Commencement Information

I18 Reg. 25 in operation at 19.12.2003, see [reg. 1\(1\)](#)

End of Life Vehicles Directive

26.—(1) Schedule 5 ^{F104}... shall have effect.

(2) A waste management licence or a disposal licence for the storage or treatment of end of life vehicles shall be granted on terms and subject to conditions that meet the requirements of Schedule 5 and, where necessary, the Department shall issue or vary the conditions of a licence to require that the conditions of Schedule 5 apply to the storage or treatment of any waste motor vehicle of any type or description or to end of life vehicles in accordance with the provisions of [^{F105}[^{F106}assimilated] law] and its measures to protect the environment and prevent harm to human health.

(3) A waste management licence shall not be granted to an applicant for a waste management licence that includes the storage and treatment of end of life vehicles unless the Department is satisfied that the applicant will become the person having control over the storage and treatment of those vehicles in the event of a licence being granted and that the applicant will ensure that any treatment will comply with conditions attached to the licence including the requirements of Schedule 5.

(4) Any establishment or undertaking carrying on the treatment of end of life vehicles in accordance with a waste management licence or a disposal licence and the requirements of Schedule 5 shall be referred to as an authorised treatment facility.

Textual Amendments

F104 Words in reg. 26(1) omitted (31.12.2020) by virtue of The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, Sch. 1 para. 3(9)(a); 2020 c. 1, Sch. 5 para. 1(1)

F105 Words in reg. 26(2) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, Sch. 1 para. 3(9)(b); 2020 c. 1, Sch. 5 para. 1(1)

F106 Word in reg. 26(2) substituted (27.2.2025) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) Regulations 2025 (S.I. 2025/82), reg. 1(2), Sch. 10 para. 2(b)

Commencement Information

I19 Reg. 26 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Revocations

27.—(1) The Waste Collection and Disposal Regulations (Northern Ireland) 1992(**24**) in so far as not already revoked are hereby revoked.

(2) The Waste Collection and Disposal (Amendment) Regulations (Northern Ireland) 1997(**25**) are hereby revoked.

Commencement Information

I20 Reg. 27 in operation at 19.12.2003, see [reg. 1\(1\)](#)

(24) S.R. 1992 No. 254

(25) S.R. 1997 No. 52

Changes to legislation: *There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)*

Sealed with the Official Seal of the Department of the Environment on 28th November 2003.

L.S.

Judena Goldring
A Senior Officer of the
Department of the Environment

^{F107}SCHEDULE 1

Regulation 3

Textual Amendments

F107 Sch. 1 revoked (5.12.2022) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/288\)](#), regs. 1, **6**

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^{F108}SCHEDULE 1A

Regulation 1(3)

Definition of “relevant waste”

Textual Amendments

F108 Sch. 1A inserted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(10)** (as amended by [S.R. 2020/284](#), regs. 1(1), **3(4)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

“Relevant Waste” means—

- (a) subject to paragraph 38 of Schedule 2 and paragraphs (b) to (h), any substance or object which the holder discards or intends or is required to discard;
- (b) the following are excluded from the scope of paragraph (a)—
 - (i) gaseous effluents emitted into the atmosphere;
 - (ii) land (in situ) including unexcavated contaminated soil and buildings;
 - (iii) uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated;
 - (iv) radioactive waste;
 - (v) decommissioned explosives;
 - (vi) faecal matter, if not covered by sub-paragraph (c)(ii), straw or other natural non-hazardous agricultural or forestry material used in farming, forestry or for the production of energy from biomass through processes or methods which do not harm the environment or endanger human health;
- (c) the following shall be excluded from the scope of paragraph (a) to the extent that they are covered by other ^{F109}assimilated] law or EU law which applies by virtue of the Northern Ireland Protocol—
 - (i) waste waters;

- (ii) animal by-products including processed products covered by Regulation 1069/2009, except those which are destined for incineration, landfilling or use in a biogas or composting plant;
 - (iii) carcasses of animals that have died otherwise than by being slaughtered, including animals killed to eradicate epizootic diseases and that are disposed in accordance with 1069/2009;
 - (iv) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries;
 - (v) substances that are destined for use as feed materials as defined in point (g) of Article 3(2) of Regulation (EC) No 767/2009 of the European Parliament and of the Council and that do not consist of or contain animal by-products;
- (d) without prejudice to obligations under other relevant [^{F109}assimilated] law, sediments located inside surface waters for the purpose of managing waters and waterways or of preventing flood or mitigating the effects of floods, drought or land reclamation shall be excluded from the scope of paragraph (a) if it is proved that the sediments are non-hazardous;
- (e) a substance or object resulting from a production process, the primary aim of which is not the production of that item, may be regarded as not being waste referred to in paragraph (a) but as being a by-product only if the following conditions are met—
- (i) further use of the substance or object is certain;
 - (ii) the substance or object can be used directly without any further processing other than normal industrial practice;
 - (iii) the substance or object is produce as an integral part of the process; and
 - (iv) further use is unlawful i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts;
- (f) certain specified waste shall cease to be within the scope of paragraph (a) when it has undergone a recycling or other recovery operation if it complies with the following conditions—
- (i) the substance or object is to be used for specific purposes;
 - (ii) a market or demand exists for such a substance or object;
 - (iii) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products;
 - (iv) the use of the substance or object will not lead to overall adverse environmental or human health impacts; and
 - (v) the criteria shall include limit values for pollutants where necessary and shall take into account possible adverse environmental effects of the substance or object;
- (g) waste which ceases to be waste in accordance with this Schedule shall cease to be waste for the purposes of any relevant [^{F109}assimilated] law when recycling or recovery requirements of that law or satisfied; and
- (h) the Department may decide case by case whether certain waste has ceased to be waste taking into account applicable case law.]

Textual Amendments

F109 Word in [Sch. 1A](#) substituted (27.2.2025) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) Regulations 2025 \(S.I. 2025/82\)](#), reg. 1(2), [Sch. 10 para. 2\(c\)](#)

SCHEDULE 2

Regulations 1(3) and 17

EXEMPTIONS FROM WASTE MANAGEMENT LICENSING

PART I

ACTIVITIES EXEMPT FROM WASTE MANAGEMENT LICENSING

1.—(1) The use, under an authorisation granted under the Industrial Pollution Control Order, of waste glass as part of a process within Part B of section 3.5 (glass manufacture and production) of Schedule 1 to the 1998 Regulations if the total quantity of waste glass so used in that process does not exceed 600,000 tonnes in any period of twelve months.

(2) The storage, at the place where the process is carried on, of any such waste which is intended to be so used.

Commencement Information

I21 Sch. 2 Pt. I para. 1 in operation at 19.12.2003, see [reg. 1\(1\)](#)

2.—(1) The use, under a permit under the 2003 Regulations, of waste glass as part of an activity within Part B of section 3.3 (the manufacture of glass and glass fibre) of Part I of Schedule 1 to the 2003 Regulations if the total quantity of waste glass so used in that activity does not exceed 600,000 tonnes in any period of twelve months.

(2) The storage, at the place where the activity is carried out, of any such waste which is intended to be so used.

Commencement Information

I22 Sch. 2 Pt. I para. 2 in operation at 19.12.2003, see [reg. 1\(1\)](#)

3.—(1) The operation, under an authorisation granted under the Industrial Pollution Control Order, of a scrap metal furnace with a designed holding capacity of less than 25 tonnes to the extent that it is or forms part of a process within paragraphs (b), (e) or (f) of Part B or paragraphs (a), (b) or (d) of Part C of section 2.1 (iron and steel), or paragraphs (a), (b) or (c) of Part B or paragraphs (a) or (b) of Part C of section 2.2 (non-ferrous metals), of Schedule 1 to the 1998 Regulations.

(2) The loading or unloading of such a furnace in connection with its operation in a manner covered by the exemption conferred by sub-paragraph (1).

(3) The storage, at the place where such a furnace is located (but not in cases where that place is used for carrying on business as a scrap metal dealer), of scrap metal intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (1).

Commencement Information

I23 Sch. 2 Pt. I para. 3 in operation at 19.12.2003, see [reg. 1\(1\)](#)

4.—(1) The operation, under a permit under the 2003 Regulations, of a scrap metal furnace with a designed holding capacity of less than 25 tonnes to the extent that it is or forms part of an activity within paragraph (a), (b) or (d) of Part C of Section 2.1 (ferrous metals), or paragraph (a) of Part B or paragraph (a) or (b) of Part C of section 2.2 (non-ferrous metals), of Part I of Schedule 1 to the 2003 Regulations.

(2) The loading or unloading of such a furnace in connection with its operation in a manner covered by the exemption conferred by sub-paragraph (1).

(3) The storage, at the place where such a furnace is located (but not in cases where that place is used for carrying on business as a scrap metal dealer), of scrap metal intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (1).

Commencement Information

I24 Sch. 2 para. 4 in operation at 19.12.2003, see [reg. 1\(1\)](#)

[^{F110}5. The carrying on of any of the following operations—

- (a) burning as a fuel at a rate of less than one tonne per hour, under an authorisation granted under the Industrial Pollution Control Order or a permit under the 2003 Regulations, of—
 - (i) straw (02 01 03), poultry litter (02 01 06) or wood (02 01 07); or
 - (ii) solid fuel which has been manufactured from waste by a process involving the application of heat (19 12 10),

to the extent that it is or forms part of a process within Part B or Part C of any section of Schedule 1 to the 1998 Regulations, or an activity within Part B or Part C of any Section of Part 1 of Schedule 1 to the 2003 Regulations and the feeding of such waste into an appliance in which it is to be so burned;

- (b) the secure storage on any premises of any waste mentioned in sub-paragraph (a) which is intended to be burned as mentioned in that sub-paragraph if—
 - (i) no more than 25 tonnes is stored at any one time; and
 - (ii) no waste is stored there for longer than 1 year.]

Textual Amendments

F110 Sch. 2 Pt. 1 para. 5 substituted (31.3.2009) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/76\)](#), [regs. 1\(1\), 5](#)

Commencement Information

I25 Sch. 2 para. 5 in operation at 19.12.2003, see [reg. 1\(1\)](#)

6.—(1) The cleaning, washing, spraying or coating of waste consisting of packaging or containers so that it or they can be reused if the total quantity of such waste so dealt with at any place does not exceed 1,000 tonnes in any period of seven days.

(2) The storage of waste in connection with the carrying on of any activities described in sub-paragraph (1) if that storage is at the place where the activity is carried on unless –

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

- (a) the total quantity of such waste stored at that place exceeds 1,000 tonnes; or
- (b) more than 1 tonne of metal containers used for the transport or storage of any chemical are dealt with in any period of seven days.

.....

Commencement Information

I26 Sch. 2 para. 6 in operation at 19.12.2003, see [reg. 1\(1\)](#)

7.—(1) Burning waste as a fuel in an appliance if the appliance has a net rated thermal input of less than 0.4 megawatts or, where the appliance is used together with (whether or not it is operated simultaneously with) other appliances, the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

(2) The secure storage on the premises where the burning is to take place of waste intended to be submitted to such burning.

(3) In this paragraph, “net rated thermal input”, means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal.

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Commencement Information

I27 Sch. 2 para. 7 in operation at 19.12.2003, see [reg. 1\(1\)](#)

^{F111}8.

.....

Textual Amendments

F111 Sch. 2 Pt. 1 para. 8 revoked (31.3.2009) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/76\)](#), regs. 1(1), 6

9.—(1) Subject to sub-paragraph (3) and any limitation set down in Column 3 of Table 3, the treatment of waste –

- (a) identified by EWC Code in Column 1 of Table 3 and referred to in Column 2 of that Table, on land used for agriculture where such treatment results in benefit to agriculture or ecological improvement; or
- (b) listed in Part I of Table 3 and identified by EWC Code in Column 1 of Table 3 and referred to in Column 2 of that Table for the treatment of –
 - (i) operational land of a railway, light railway, or any Government Department; or
 - (ii) land which is a forest, woodland, park, garden, verge, bank of an inland waterway, landscaped area, sports ground, recreation ground, churchyard or cemetery,
 where the land in question is not used for agriculture and such treatment results in ecological improvement.

(2) The storage, in a secure container, lagoon or place, at the place where it is to be treated, of not more than 1000 cubic metres of waste intended to be used in reliance upon the exemption conferred by sub-paragraph (1), provided that the waste is not stored at a distance less than –

- (a) 10 metres from any waterway;
 - (b) 50 metres from any spring or well, or from any borehole not used for a public water supply;
- or

- (c) 250 metres from any borehole used for a public water supply.
- (3) Sub-paragraphs (1) and (2) apply only if –
- (a) no more than 250 tonnes or, in the case of dredgings from inland waters, 5,000 tonnes of waste per hectare are spread on the land in any period of twelve months; ^{F112}...
- (b) in the case of blood and gut contents, the waste has been treated in accordance with the Community Regulation^{F113}; and
- ^{F114}(c) where the [^{F115}Nutrient Action Programme Regulations (Northern Ireland) 2019] applies treatment shall be carried out in accordance with those Regulations.]]
- (4) ^{F116}... For the purposes of this paragraph, waste is subject to treatment only when it is spread on land or is injected or otherwise introduced into the surface of that land.

Table 3

^{F117} EWC Code	Types of Waste	Limitation
PART I		
	Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)	
02 01 03	Plant-tissue waste	
	Wastes from sugar processing (02 04)	
02 04 01	Soil from cleaning and washing beet	
	Wastes from wood processing and the production of panels and furniture (03 01)	
03 01 01	Waste bark and cork	
03 01 05	Sawdust, shavings, cuttings, wood, particle board or veneer other than those mentioned in 03 01 04	Except whole wood, particle board and plastic veneer
	Wastes from pulp, paper and cardboard production and processing (03 03)	
03 03 01	Waste bark and wood	
	Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)	
17 05 04	Soil and stones other than those mentioned in 17 05 03	
	Wastes from aerobic treatment of solid wastes (19 05)	
19 05 03	Off-specification compost	Consisting only of biodegradable waste

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>EU EWC Code</i>	<i>Types of Waste</i>	<i>Limitation</i>
	Garden and park wastes (including cemetery waste) (20 02)	
20 02 01	Biodegradable waste	
20 02 02	Soil and stones	
PART II		
	Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)	
02 01 99	Waste not otherwise specified	Straw, wood or paper-based bedding waste, slurry or dirty water from stables, zoos, animal parks or livestock markets only
	Wastes from the preparation and processing of meat, fish and other foods of animal origin (02 02)	
02 02 04	Sludges from on-site effluent treatment	Following 'conventional treatment' or 'enhanced treatment'
	Wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production; molasses preparation and fermentation (02 03)	
02 03 01 to 02 03 05	All types within 02 03 01 to 02 03 05	
	Wastes from sugar processing (02 04)	
02 04 01 to 02 04 03	All types within 02 04 01 to 02 04 03	
	Wastes from the dairy products industry (02 05)	
02 05 01 to 02 05 02	All types within 02 05 01 to 02 05 02	
	Wastes from the baking and confectionery industry (02 06)	
02 06 01 to 02 06 03	All types within 02 06 01 to 02 06 03	
	Wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa) (02 07)	
02 07 01 to 02 07 05	All types within 02 07 01 to 02 07 05	
	Wastes from pulp, paper and cardboard production and processing (03 03)	

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>EU EWC Code</i>	<i>Types of Waste</i>	<i>Limitation</i>
03 03 05	De-inking sludges from paper recycling	
03 03 09	Lime mud waste	
03 03 99	Waste not elsewhere specified	De-inked paper pulp from paper recycling
	Wastes from the leather and fur industry (04 01)	
04 01 07	Sludges, in particular from on-site effluent treatment free of chromium	
	Wastes from the textile industry (04 02)	
04 02 10	Organic matter from natural products (for example grease, wax)	
04 02 15	Wastes from finishing other than those mentioned in 04 02 14	
04 02 20	Sludges from on-site effluent treatment other than those mentioned in 04 02 19	
04 02 21	Wastes from unprocessed textile fibres	
04 02 22	Wastes from processed textile fibres	
	Wastes from manufacture of cement, lime and plaster, and articles and products made from them (10 13)	
10 13 04	Wastes from calcination and hydration of lime	
	Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)	
17 05 06	Dredging spoil other than those mentioned in 17 05 05	
	Wastes from anaerobic treatment of waste (19 06)	
19 06 03	Liquor from anaerobic treatment of municipal waste	
19 06 04	Digestate from anaerobic treatment of municipal waste	
19 06 05	Liquor from anaerobic treatment of animal and vegetable waste	
19 06 06	Digestate from anaerobic treatment of animal and vegetable waste	

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

^{F117} EWC Code	Types of Waste	Limitation
	Wastes from the preparation of water intended for human consumption or for industrial use (19 09)	
19 09 02	Sludges from water clarification]	

Textual Amendments

- F112** Word in Sch. 2 Pt. 1 para. 9(3)(a) omitted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **16(1)**
- F113** Sch. 2 Pt. 1 para. 9(3)(c) and word inserted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **16(2)**
- F114** Sch. 2 Pt. 1 para. 9(3)(c) substituted (1.1.2007) by [The Nitrates Action Programme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/489\)](#), regs. 1, **29(2)(a)** (with reg. 2)
- F115** Words in Sch. 2 Pt. 1 para. 9(3)(c) substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), regs. 1(1), **37(1)(a)**
- F116** Words in Sch. 2 Pt. 1 para. 9(4) omitted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **16(3)**
- F117** Sch. 2 Pt. 1 para. 9 Table 3 substituted (30.12.2011) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/403\)](#), regs. 1(1), **3(1)**

Commencement Information

- I28** Sch. 2 para. 9 in operation at 19.12.2003, see [reg. 1\(1\)](#)

^{F118}10.—(1) The spreading of sludge on land which is not land used for agriculture within the meaning of the 1990 Regulations if—

- (a) it results in ecological improvement or in the case of spreading on land used for non-food crops not grown in short term rotation with food crops, it results in benefit to agriculture;
- (b) it does not cause the concentration in the soil of any of the elements listed in column 1 of the soil table set out in Schedule 2 to the 1990 Regulations to exceed the limit specified in column 2 of the table; and

^{F119}(c) where the [^{F120}Nutrient Action Programme Regulations (Northern Ireland) 2019] applies the spreading shall be carried out in accordance with those Regulations]

(2) Subject to sub-paragraph (3), the storage in a secure container or lagoon (or, in the case of dewatered sludge, in a secure place) on land –

- (a) of sludge which is to be used in accordance with the 1990 Regulations;
- (b) of sludge intended to be spread in reliance upon the exemption conferred by sub-paragraph (1).

(3) Sub-paragraph (2) applies only if the following conditions are satisfied –

- (a) the sludge is stored at the place where it is to be spread;
- (b) no sludge is stored at a distance less than –
 - (i) 10 metres from any waterway;
 - (ii) 50 metres from any spring or well, or from any borehole not used for a public water supply; or
 - (iii) 250 metres from any borehole used for a public water supply; and
- (c) no sludge shall be stored for a period of more than six months.

(4) In this paragraph –

“the 1990 Regulations” means the Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990⁽²⁶⁾;

“used”, in relation to sludge, has the meaning given by regulation 2(1) of the 1990 Regulations; and

“agriculture” has the same meaning as in the 1990 Regulations.

(5) In this paragraph, and in paragraph 11, “sludge” has the meaning given by regulation 2(1) of the 1990 Regulations and “spreading” shall include the injection of sludge into the surface of the land.]

Textual Amendments

F118 Sch. 2 Pt. 1 para. 10(1) substituted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **17**

F119 Sch. 2 Pt. 1 para. 10(1)(c) substituted (1.1.2007) by [The Nitrates Action Programme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/489\)](#), regs. 1, **29(2)(b)** (with reg. 2)

F120 Words in Sch. 2 Pt. 1 para. 10(1)(c) substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), regs. 1(1), **37(1)(a)**

Commencement Information

I29 Sch. 2 para. 10 in operation at 19.12.2003, see [reg. 1\(1\)](#)

11.—(1) Subject to the following provisions of this paragraph and any limitation set down in Column 3 of Table 4, the spreading of any of the wastes –

(a) identified by EWC Code in Column 1 of Part I of Table 4 and referred to in Column 2 of that Table on any land; or

(b) identified by EWC Code in Column 1 of Part II of Table 4 and referred to in Column 2 of that Table on any land where that activity results in benefit to agriculture or ecological improvement.

(2) The secure storage, for a period not exceeding six months at the place where it is to be spread, of waste intended to be spread in reliance upon sub-paragraph (1)(a) or (b).

(3) Sub-paragraphs (1) and (2) apply only where –

(a) the spreading is carried out for the purpose of reclamation, restoration or improvement of land which has been subject to industrial or other man made development and the use to which that land could be put would be improved by the spreading;

(b) the spreading is carried out in accordance with any planning permission where such a permission is required;

(c) the waste is spread to a depth not exceeding the lesser of 2 metres or the final cross sections shown on any plan required to be submitted in accordance with regulation 19 and Part II to this Schedule; ^{F121} ...

(d) the waste spread does not exceed 20,000 cubic metres per hectare ^{F122}; and

^{F123}(e) where the [^{F124}Nutrient Action Programme Regulations (Northern Ireland) 2019] applies the spreading shall be carried out in accordance with those Regulations]]

(26) S.R. 1990 No. 245

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

Textual Amendments

- F121** Word in Sch. 2 Pt. 1 para. 11(3)(c) omitted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **18(1)**
- F122** Sch. 2 Pt. 1 para. 11(3)(e) and word inserted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **18(2)**
- F123** Sch. 2 Pt. 1 para. 11(3)(e) substituted (1.1.2007) by [The Nitrates Action Programme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/489\)](#), regs. 1, **29(2)(c)** (with reg. 2)
- F124** Words in Sch. 2 Pt. 1 para. 11(3)(e) substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), regs. 1(1), **37(1)(a)**

Commencement Information

- I30** Sch. 2 para. 11 in operation at 19.12.2003, see [reg. 1\(1\)](#)

[^{F125}11A. For the purposes of Table 3 the following definitions apply—

“conventional treatment” means any treatment process used to reduce the fermentability and possible health hazards associated with sludge, including biological, chemical or heat treatments that ensure that at least 99% of pathogens have been destroyed;

“enhanced treatment” means any treatment process which is capable of virtually eliminating any pathogens which may be present in the original sludge and which will be free from Salmonella and will have been treated so as to ensure that 99.9999% pathogens have been destroyed (a 6 log reduction).]

Table 4

<i>EWG Code</i>	<i>Types of waste</i>	<i>Limitation</i>
PART I		
	<i>Wastes from physical and chemical processing of non-metalliferous minerals (01 04)</i>	
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07	
01 04 09	waste sand and clays	
	<i>wastes from sugar processing (02 04)</i>	
02 04 01	soil from cleaning and washing beet	
	<i>Wastes from power stations and other combustion plants (except 19) (10 01)</i>	
10 01 01	bottom ash, slag and boiler dust (excluding boiler dust mentioned in 10 01 04)	Bottom ash and slag only
	<i>Wastes from manufacture of ceramic goods, bricks, tiles</i>	

<i>EWG Code</i>	<i>Types of waste</i>	<i>Limitation</i>
	<i>and construction products (10 12)</i>	
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)	
	<i>Wastes from manufacture of cement, lime and plaster and articles and products made from them (10 13)</i>	
10 13 14	waste concrete and concrete sludge	
	<i>Construction and demolition wastes (including excavated soil from contaminated sites) comprising concrete, bricks, tiles and ceramics (17 01)</i>	
17 01 01	Concrete	
17 01 02	Bricks	
17 01 03	tiles and ceramics	
17 01 07	mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06	
	Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)	
17 05 08	Track ballast other than that mentioned in 17 05 07	
	<i>Wastes from the mechanical treatment of waste (e.g. sorting, crushing, compacting, palletising) not otherwise specified (19 12)</i>	
19 12 09	minerals (for example sand, stones)	
	<i>Wastes from soil and groundwater remediation (19 13)</i>	
19 13 02	Solid wastes from soil remediation other than those mentioned in 19 13 01	
	<i>Garden and park wastes (including cemetery waste) (20 02)</i>	

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
20 02 02	soil and stones	
PART II		
	<i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>	
03 03 05	de-inking sludges from paper recycling	
03 03 07	Mechanically separated rejects from pulping of waste paper and cardboard	
03 03 09	lime mud waste	
03 03 99	Wastes not otherwise specified	De-inked paper pulp only
	<i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	
17 05 04	soil and stones other than those mentioned in 17 05 03	
17 05 06	Dredging spoil other than that mentioned in 17 05 05	
	<i>Wastes from aerobic treatment of solid wastes (19 05)</i>	
19 05 03	Off-specification compost	biodegradable waste only
	<i>Wastes from waste water treatment plants not otherwise specified (19 08)</i>	
19 08 05	sludges from treatment of urban waste water	
	<i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i>	
19 09 02	sludges from water clarification	
	<i>Wastes from soil and groundwater remediation (19 13)</i>	
19 13 04	Sludges from soil remediation other than those mentioned in 19 13 03	

Textual Amendments

F125 Sch. 2 Pt. 1 para. 11A inserted "after paragraph 11 sub-paragraph (e)" (30.12.2011) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/403\)](#), regs. 1(1), 4

[^{F126}12.—(1) Subject to the conditions specified in sub-paragraph (3), carrying on at any place, in respect of waste of a type identified by the six-digit EWC Code in Column 1 of Table 5 and referred to by the corresponding waste description in Column 2 of that Table, any of the activities specified in Column 3 of that Table in relation to that type of waste where the activity is carried on with a view to the recovery or re-use of the waste (whether or not by the person carrying on the activity specified in that Table).

(2) Subject to the conditions specified in sub-paragraph (3), the storage of waste of a type identified by the six-digit EWC Code in Column 1 of Table 5A and referred to by the corresponding waste description in Column 2 of that Table if the waste is to be reused or used for the purpose of—

- (a) an activity specified in Column 3 of Table 5; or
- (b) any other recovery operation.

(3) The specified conditions are that—

- (a) the total volume of each type of waste on site at any one time does not exceed the limits specified in Column 5 of Table 5 and Column 4 of Table 5A in relation to that type of waste;
- (b) the combined total volume of all wastes on site at any one time does not exceed 100m³ (whether before, during or after processing);
- (c) the waste arrives at the place where the activity is carried on unmixed with any other type of waste;
- (d) each type of waste is treated and stored separately;
- (e) no waste is stored for longer than 12 months;
- (f) the site has, and is operated in accordance with, planning permission, where such permission is required; and
- (g) the activity complies with the additional specified conditions in Column 4 of Table 5 and Column 3 of Table 5A.

Table 5

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Activities</i>	<i>Additional specified conditions</i>	<i>Limit (at any one time)</i>
	<i>Paper and cardboard</i>	Baling, sorting or shredding		100m ³
	<i>03 03 wastes from pulp, paper and cardboard production and processing</i>			
03 03 07	mechanically separated rejects from pulping of waste paper and cardboard			
03 03 08	wastes from sorting of paper and cardboard destined for recycling			

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Activities</i>	<i>Additional specified conditions</i>	<i>Limit (at any one time)</i>
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>			
15 01 01	paper and cardboard packaging			
	<i>20 01 separately collected fractions (except 15 01)</i>			
20 01 01	paper and cardboard			
	<i>Textiles</i>	Baling, sorting or shredding		
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>			
15 01 09	textile packaging			
	<i>20 01 separately collected fractions (except 15 01)</i>			
20 01 10	clothes			
20 01 11	textiles			
	<i>Plastic</i>	Baling, sorting, shredding, densifying or washing	Where the treatment involves densifying waste, the treatment does not involve the application of heat.	
	<i>02 01 wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing</i>			
02 01 04	waste plastics (except packaging)			
	<i>07 02 waste from the manufacture, formulation, supply and use (MFSU) of plastics, synthetic rubber and man-made fibres</i>			
07 02 13	waste plastic			
	<i>12 01 wastes from shaping and physical and mechanical surface treatment of metals and plastics</i>			
12 01 05	plastics shavings and turnings			
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>			
15 01 02	plastic packaging			
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-</i>			

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Activities</i>	<i>Additional specified conditions</i>	<i>Limit (at any one time)</i>
	<i>life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>			
16 01 19	plastic			
	<i>17 02 wood, glass and plastic</i>			
17 02 03	plastic			
	<i>20 01 separately collected fractions (except 15 01)</i>			
20 01 39	plastics			
	<i>Glass</i>	Sorting, crushing or washing		
	<i>10 11 wastes from manufacture of glass and glass products</i>			
10 11 12	waste glass other than those mentioned in 10 11 11			
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>			
15 01 07	glass packaging			
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>			
16 01 20	glass			
	<i>17 02 wood, glass and plastic</i>			
17 02 02	glass			
	<i>20 01 separately collected fractions (except 15 01)</i>			
20 01 02	glass			
	<i>Steel cans, aluminium cans, aluminium foil</i>	Sorting, crushing, pulverising, shredding, compacting or baling	Where the treatment involves pulverising waste, the treatment is carried on in an enclosed building.	
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>			
15 01 04	metallic packaging			
	<i>Food or drink cartons</i>	Sorting, crushing,	Where the treatment	

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Activities</i>	<i>Additional specified conditions</i>	<i>Limit (at any one time)</i>
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>	pulverising, shredding, compacting or baling	involves pulverising waste, the treatment is carried on in an enclosed building.	
15 01 01	paper and cardboard packaging			
15 01 02	plastic packaging			
15 01 03	wooden packaging			
15 01 05	composite packaging			
15 01 06	mixed packaging			
15 01 07	glass packaging			
15 01 09	textile packaging			
	<i>End-of-life vehicles and non-hazardous components</i>	Dismantling for use as vehicle parts		
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>			
16 01 06	end-of-life vehicles, containing neither liquids nor other hazardous components			

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Activities</i>	<i>Additional specified conditions</i>	<i>Limit (at any one time)</i>
16 01 22	components not otherwise specified		The operation is for the purposes of the reuse or recovery of the waste.	5m ³

Table 5A

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Additional specified conditions</i>	<i>Limit (at any one time)</i>
	<i>Paper and cardboard</i>	The waste is stored in a baled form, in an enclosed building or container.	100m ³
	<i>03 03 wastes from pulp, paper and cardboard production and processing</i>		
03 03 07	mechanically separated rejects from pulping of waste paper and cardboard		
03 03 08	wastes from sorting of paper and cardboard destined for recycling		
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>		
15 01 01	paper and cardboard packaging		
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>		
19 12 01	paper and cardboard		
	<i>20 01 separately collected fractions (except 15 01)</i>		
20 01 01	paper and cardboard		
	<i>Textiles</i>		
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>		
15 01 09	textile packaging		
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>		
19 12 08	textiles		
	<i>20 01 separately collected fractions (except 15 01)</i>		

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Additional conditions specified</i>	<i>Limit (at any one time)</i>
20 01 10	clothes		
20 01 11	textiles		
	<i>Plastic</i>		
	<i>02 01 wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing</i>		
02 01 04	waste plastics (except packaging)		
	<i>07 02 waste from the MFSU of plastics, synthetic rubber and man-made fibres</i>		
07 02 13	waste plastic		
	<i>12 01 wastes from shaping and physical and mechanical surface treatment of metals and plastics</i>		
12 01 05	plastics shavings and turnings		
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>		
15 01 02	plastic packaging		
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>		
16 01 19	plastic		
	<i>17 02 wood, glass and plastic</i>		
17 02 03	plastic		
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>		
19 12 04	plastic and rubber		
	<i>20 01 separately collected fractions (except 15 01)</i>		
20 01 39	plastics		
	<i>Glass</i>		
	<i>10 11 wastes from manufacture of glass and glass products</i>		

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Additional conditions specified</i>	<i>Limit (at any one time)</i>
10 11 12	waste glass other than those mentioned in 10 11 11		
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>		
15 01 07	glass packaging		
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>		
16 01 20	glass		
	<i>17 02 wood, glass and plastic</i>		
17 02 02	glass		
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>		
19 12 05	glass		
	<i>20 01 separately collected fractions (except 15 01)</i>		
20 01 02	glass		
	<i>Steel cans, aluminium cans, aluminium foil</i>		
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>		
15 01 04	metallic packaging		
	<i>Food or drink cartons</i>		
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>		
15 01 01	paper and cardboard packaging		
15 01 02	plastic packaging		
15 01 03	wooden packaging		
15 01 05	composite packaging		
15 01 06	mixed packaging		
15 01 07	glass packaging		
15 01 09	textile packaging		

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Additional conditions specified</i>	<i>Limit (at any one time)</i>
	<i>Waste articles which are to be used for construction work which are capable of being so used in their existing state</i>		
	<i>17 01 concrete, bricks, tiles and ceramics</i>		
17 01 02	bricks		
17 01 03	tiles and ceramics		
17 01 07	mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06		
	<i>17 02 wood, glass and plastic</i>		
17 02 01	wood		
	<i>20 01 separately collected fractions (except 15 01)</i>		
20 01 38	wood other than that mentioned in 20 01 37		
	<i>Metal</i>		
	<i>02 01 wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing</i>		
02 01 10	waste metal		
	<i>12 01 wastes from shaping and physical and mechanical surface treatment of metals and plastics</i>		
12 01 01	ferrous metal filings and turnings		
12 01 02	ferrous metal dust and particles		
12 01 03	non-ferrous metal filings and turnings		
12 01 04	non-ferrous metal dust and particles		
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>		
15 01 04	metallic packaging		
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>		
16 01 17	ferrous metal		

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Additional conditions specified</i>	<i>Limit (at any one time)</i>
16 01 18	non-ferrous metal		
	<i>17 04 metals (including their alloys)</i>		
17 04 01	copper, bronze, brass		
17 04 02	aluminium		
17 04 03	lead		
17 04 04	zinc		
17 04 05	iron and steel		
17 04 06	tin		
17 04 07	mixed metals		
17 04 11	cables other than those mentioned in 17 04 10		
	<i>19 01 wastes from incineration or pyrolysis of waste</i>		
19 01 02	ferrous materials removed from bottom ash		
	<i>19 10 wastes from shredding of metal-containing wastes</i>		
19 10 01	iron and steel waste		
19 10 02	non-ferrous waste		
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>		
19 12 02	ferrous metal		
19 12 03	non-ferrous metal		
	<i>20 01 separately collected fractions (except 15 01)</i>		
20 01 40	metals		
	<i>Solvents</i>		
	<i>02 03 wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation</i>	The waste is stored on an impermeable pavement.	5m ³
02 03 03	wastes from solvent extraction		

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Additional conditions specified</i>	<i>Limit (at any one time)</i>
	<i>08 04 wastes from MFSU of adhesives and sealants (including waterproofing products)</i>		
08 04 09*	waste adhesives and sealants containing organic solvents or other hazardous substances		
	<i>09 01 wastes from the photographic industry</i>		
09 01 03*	solvent-based developer solutions		
	<i>14 06 waste organic solvents, refrigerants and foam/aerosol propellants</i>		
14 06 02*	other halogenated solvents and solvent mixtures		
14 06 03*	other solvents and solvent mixtures		
	<i>20 01 separately collected fractions (except 15 01)</i>		
20 01 27*	paint, inks, adhesives and resins containing hazardous substances		
	<i>Refrigerants</i>	The waste is stored on an impermeable pavement.	20m ³
	<i>14 06 waste organic solvents, refrigerants and foam/aerosol propellants</i>	For the purposes of this paragraph, “refrigerants” means	
14 06 01*	chlorofluorocarbons, HCFC, HFC	dichlorodifluoromethane, chlorotrifluoromethane, dichlorotetrafluoroethane, chloropentafluoroethane, bromotrifluoromethane, chlorodifluoromethane, chlorotetrafluoroethane, trifluoromethane, difluoromethane, pentafluoroethane, tetrafluoroethane, chlorodifluoroethane, difluoroethane, trichlorofluoromethane, trichlorotrifluoroethane, dichlorotrifluoroethane, dichlorofluoroethane and mixtures containing any of those substances.	
14 06 02*	other halogenated solvents and solvent mixtures		

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Additional specified conditions</i>	<i>Limit (at any one time)</i>		
	<i>Oils</i>	The waste is stored on an impermeable pavement.	3m ³		
	<i>13 01 waste hydraulic oils</i>				
13 01 04*	chlorinated emulsions				
13 01 05*	non-chlorinated emulsions				
13 01 09*	mineral-based chlorinated hydraulic oils				
13 01 10*	mineral-based non-chlorinated hydraulic oils				
13 01 11*	synthetic hydraulic oils				
13 01 12*	readily biodegradable hydraulic oils				
13 01 13*	other hydraulic oils				
	<i>13 02 waste engine, gear and lubricating oils</i>				
13 02 04*	mineral-based chlorinated engine, gear and lubricating oils				
13 02 05*	mineral-based non-chlorinated engine, gear and lubricating oils				
13 02 06*	synthetic engine, gear and lubricating oils				
13 02 07*	readily biodegradable engine, gear and lubricating oils				
13 02 08*	other engine, gear and lubricating oils				
	<i>13 03 waste insulating and heat transmission oils</i>				
13 03 06*	mineral-based chlorinated insulating and heat transmission oils other than those mentioned in 13 03 01				
13 03 07*	mineral-based non-chlorinated insulating and heat transmission oils				
13 03 08*	synthetic insulating and heat transmission oils				
13 03 09*	readily biodegradable insulating and heat transmission oils				
13 03 10*	other insulating and heat transmission oils				
	<i>End-of-life vehicles and non-hazardous components</i>				

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC Code</i>	<i>Waste description</i>	<i>Additional conditions specified</i>	<i>Limit (at any one time)</i>
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>		
16 01 06	end-of-life vehicles, containing neither liquids nor other hazardous components	The operation is for the purposes of the reuse or recovery of the waste. For the purposes of this paragraph and in relation to an end-of-life vehicle, “depolluted” means that the vehicle has been subjected to all of the operations described in paragraph 3 of Annex 1 to the End-of-Life Vehicles Directive.	5 vehicles
16 01 22	Components not otherwise specified	The operation is for the purposes of the reuse or recovery of the waste.	5m ³ l

Textual Amendments

F126 Sch. 2 Pt. 1 para. 12 substituted (5.9.2016) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/96\)](#), regs. 1, **3(2)**

13.—(1) Subject to the following provisions of this paragraph and any limitation set down in Column 3 of Table 6 –

- (a) the composting [^{F127}of food waste at the premises of a food business and] of biodegradable waste identified by EWC Code in Column 1 of Table 6 and referred to in Column 2 of that Table;
- (b) the chipping, shredding, cutting or pulverising such waste for the purpose of composting at the place where the composting activity is or is to be carried out;
- (c) screening waste which has been composted; and
- (d) the secure storage of compost and biodegradable waste referred to in sub-paragraph (1)(a) at the place where the composting activity is or is to be carried out.

(2) The total quantity of waste treated or stored under sub-paragraph (1) at any one time shall not exceed 200 tonnes.

(3) The secure storage of biodegradable waste which is to be composted in reliance upon sub-paragraph (1) at a place other than the place where such composting is or is to be carried on where –

- (a) the waste is stored for a period not exceeding 48 hours and is to be taken directly from the storage site to that place;

- (b) such storage is part of a scheme for the collection of waste from groups of premises; and
(c) the total quantity of waste so stored does not exceed 10 tonnes.

(4) For the purposes of this paragraph, “composting” means the autothermic and thermophilic biological decomposition and stabilisation of biodegradable waste under controlled conditions that are aerobic or anaerobic and results in a stable sanitised material that can be applied to land for the benefit of agriculture or ecological improvement.

Table 6

<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
	<i>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i>	
02 01 03	Plant-tissue waste	
02 01 06	Animal faeces, urine and manure (including spoiled straw), effluent, collected separately and treated off-site	
02 01 07	Waste from forestry	
02 01 99	Waste not otherwise specified	Animal faeces, urine spoiled straw or manure not referred to in 02 01 06
02 01 99	Waste not otherwise specified	Sludge from washing buildings or yards used for keeping livestock
02 01 99	Waste not otherwise specified	Straw, wood or paper-based bedding waste
02 01 99	Waste not otherwise specified	slurry or dirty water from stables or livestock markets
	<i>Wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation (02 03)</i>	
02 03 01	Sludges from washing, cleaning, peeling, centrifuging and separation	
02 03 05	Sludges from on-site effluent treatment	
	<i>Wastes from wood processing and the production of panels and furniture (03 01)</i>	

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
03 01 01	Waste bark and cork	
03 01 05	Shaving, cuttings, spoiled timber, particle board and veneer other than those mentioned in 03 01 04 <i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>	
03 03 01	Waste bark and wood <i>Wastes from the textile industry (04 02)</i>	
04 02 10	Organic matter from natural products (for example grease, wax) <i>Packaging (including separately collected municipal packaging waste) (15 01)</i>	
15 01 01	Paper and cardboard packaging	
15 01 03	Wooden packaging	
15 01 09	Textile packaging <i>Wood, glass and plastic (17 02)</i>	
17 02 01	Wood <i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	
17 05 04	Soil and stones other than those mentioned in 17 05 03	
17 05 06	Dredging spoil other than that mentioned in 17 05 05 <i>Wastes from aerobic treatment of solid wastes (19 05)</i>	
19 05 03	Off-specification compost <i>Wastes from waste water treatment plants not otherwise specified (19 08)</i>	To consist only of biodegradable waste
19 08 12	Sludges from biological treatment of industrial waste water other than those mentioned in 19 08 11	

<i>EWCode</i>	<i>Types of waste</i>	<i>Limitation</i>
19 08 05	Sludges from other treatment of urban waste water	
19 08 14	Sludges from other treatment of industrial waste water other than those mentioned in 19 08 13 <i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i>	
19 09 01	Solid waste from primary filtration and screenings	
19 09 02	Sludges from water clarification <i>Wastes from the mechanical treatment of waste (e.g. sorting, crushing, compacting, palletising) not otherwise specified (19 12)</i>	
19 12 01	Paper and cardboard <i>separately collected fractions of municipal waste(except 15 01 – packaging including separately collected municipal packaging waste) (20 01)</i>	
20 01 01	Paper and cardboard	
20 01 08	Biodegradable kitchen and canteen waste	
20 01 10	Clothes	Biodegradable materials only
20 01 11	Textiles	Biodegradable materials only
20 01 38	Wood other than that mentioned in 20 01 37 <i>Garden and park wastes (including cemetery waste) (20 02)</i>	
20 02 01	Biodegradable waste <i>other municipal wastes (20 03)</i>	
20 03 02	Waste from markets	
20 03 03	Street-cleaning residues	
20 03 99	Municipal wastes not otherwise specified	slurry or dirty water from stables, zoos or animal parks

[^{F128}(5) For the purposes of this paragraph—

“business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a district council;

“food business” means an undertaking, whether for profit or not, and whether public or private, carrying out any activity related to the processing, distribution, preparation or sale of food.]

Textual Amendments

F127 Words in Sch. 2 Pt. 1 para. 13(1)(a) inserted (14.2.2015) by [The Food Waste Regulations \(Northern Ireland\) 2015 \(S.R. 2015/14\), regs. 1\(1\), 5\(4\)\(a\)\(i\)](#)

F128 Sch. 2 Pt. 1 para. 13(5) inserted (14.2.2015) by [The Food Waste Regulations \(Northern Ireland\) 2015 \(S.R. 2015/14\), regs. 1\(1\), 5\(4\)\(a\)\(ii\)](#)

Commencement Information

I31 Sch. 2 para. 13 in operation at 19.12.2003, see [reg. 1\(1\)](#)

14.—(1) The manufacture from –

(a) waste which arises from demolition or construction work or tunnelling or other excavations; or

(b) waste which consists of ash, slag, clinker, rock, wood, bark, paper, straw, gypsum, of timber products, straw board, plasterboard, bricks, blocks, roadstone or aggregate.

(2) The manufacture of soil or soil substitutes from any of the wastes listed in sub-paragraph (1) if –

(a) the manufacture is carried out at the place where either the waste is produced or the manufactured product is to be applied to land; and

(b) the total amount manufactured at that place on any day does not exceed 500 tonnes.

(3) The treatment of waste soil or rock which, when treated, is to be spread on land under paragraph 9 or 11, if –

(a) it is carried out at the place where the waste is produced or the treated product is to be spread; and

(b) the total amount treated at that place in any day does not exceed 100 tonnes.

(4) The storage of waste which is to be submitted to any of the activities mentioned in sub-paragraphs (1) to (3) if –

(a) the waste is stored at the place where the activity is to be carried on; and

(b) the total quantity of waste stored at that place does not exceed 20,000 tonnes.

Commencement Information

I32 Sch. 2 para. 14 in operation at 19.12.2003, see [reg. 1\(1\)](#)

[^{F129}15.—(1) Subject to the conditions specified in sub-paragraph (4), the manufacture of finished goods from waste of a type identified by the six-digit EWC Code in Column 1 of Table 7 and referred to by the corresponding waste description in Column 2 of that Table.

(2) The storage of waste of a type identified by the six-digit EWC Code in Column 1 of Table 7 and referred to by the corresponding waste description in Column 2 of that Table intended to be used in reliance upon the exemption conferred by sub-paragraph (1).

(3) For the purposes of this paragraph, “finished goods” means goods that are ready for use by an end consumer without any further processing.

(4) The specified conditions are that—

- (a) the combined total volume of all wastes on site at any one time does not exceed 100m³ (whether before, during or after processing);
- (b) the waste arrives at the place where the manufacturing is carried on unmixed with any other type of waste;
- (c) prior to manufacturing, each type of waste is stored separately;
- (d) the waste is stored at the place of manufacture;
- (e) no waste is stored for longer than 12 months;
- (f) the site has, and is operated in accordance with, planning permission, where such permission is required; and
- (g) the activity complies with the additional specified conditions listed in Column 3 of Table 7.

Table 7

<i>Six-digit EWC code</i>	<i>Waste description</i>	<i>Additional specified conditions</i>
	<i>Metal</i>	
	<i>02 01 wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing</i>	
02 01 10	waste metal	
	<i>12 01 wastes from shaping and physical and mechanical surface treatment of metals and plastics</i>	
12 01 01	ferrous metal filings and turnings	
12 01 02	ferrous metal dust and particles	
12 01 03	non-ferrous metal filings and turnings	
12 01 04	non-ferrous metal dust and particles	
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>	
15 01 04	metallic packaging	
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>	
16 01 17	ferrous metal	
16 01 18	non-ferrous metal	
	<i>17 04 metals (including their alloys)</i>	
17 04 01	copper, bronze, brass	
17 04 02	aluminium	
17 04 03	lead	

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC code</i>	<i>Waste description</i>	<i>Additional specified conditions</i>
17 04 04	zinc	
17 04 05	iron and steel	
17 04 06	tin	
17 04 07	mixed metals	
17 04 11	cables other than those mentioned in 17 04 10	
	<i>19 01 wastes from incineration or pyrolysis of waste</i>	
19 01 02	ferrous materials removed from bottom ash	
	<i>19 10 wastes from shredding of metal-containing wastes</i>	
19 10 01	iron and steel waste	
19 10 02	non-ferrous waste	
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>	
19 12 02	ferrous metal	
19 12 03	non-ferrous metal	
	<i>20 01 separately collected fractions (except 15 01)</i>	
20 01 40	metals	
	<i>Plastics</i>	
	<i>02 01 wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing</i>	
02 01 04	waste plastics (except packaging)	
	<i>07 02 wastes from the MFSU of plastics, synthetic rubber and man-made fibres</i>	
07 02 13	waste plastic	
	<i>12 01 wastes from shaping and physical and mechanical surface treatment of metals and plastics</i>	
12 01 05	plastics shavings and turnings	
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>	
15 01 02	plastic packaging	
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>	
16 01 19	plastic	
	<i>17 02 wood, glass and plastic</i>	
17 02 03	plastic	

<i>Six-digit EWC code</i>	<i>Waste description</i>	<i>Additional specified conditions</i>
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>	
19 12 04	plastic and rubber	
	<i>20 01 separately collected fractions (except 15 01)</i>	
20 01 39	plastics	
	<i>Glass</i>	
	<i>10 11 wastes from manufacture of glass and glass products</i>	
10 11 12	waste glass other than those mentioned in 10 11 11	
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>	
15 01 07	glass packaging	
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>	
16 01 20	glass	
	<i>17 02 wood, glass and plastic</i>	
17 02 02	glass	
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>	
19 12 05	glass	
	<i>20 01 separately collected fractions (except 15 01)</i>	
20 01 02	glass	
	<i>Ceramics</i>	
	<i>10 12 wastes from manufacture of ceramic goods, bricks, tiles and construction products</i>	
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)	
	<i>17 01 concrete, bricks, tiles and ceramics</i>	
17 01 03	tiles and ceramics	
17 01 07	mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06	
	<i>Rubber</i>	
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>	
19 12 04	plastic and rubber	

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC code</i>	<i>Waste description</i>	<i>Additional specified conditions</i>
	<i>Textiles</i>	
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>	
15 01 09	textile packaging	
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>	
19 12 08	textiles	
	<i>20 01 separately collected fractions (except 15 01)</i>	
20 01 10	clothes	
20 01 11	textiles	
	<i>Wood</i>	
	<i>03 01 wastes from wood processing and the production of panels and furniture</i>	
03 01 05	sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04	
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>	
15 01 03	wooden packaging	
	<i>17 02 wood, glass and plastic</i>	
17 02 01	wood	
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>	
19 12 07	wood other than that mentioned in 19 12 06	
	<i>20 01 separately collected fractions (except 15 01)</i>	
20 01 38	wood other than that mentioned in 20 01 37	
	<i>Paper and cardboard</i>	
	<i>03 03 wastes from pulp, paper and cardboard production and processing</i>	The waste is stored in an enclosed building or container
03 03 07	mechanically separated rejects from pulping of waste paper and cardboard	
03 03 08	wastes from sorting of paper and cardboard destined for recycling	
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>	
15 01 01	paper and cardboard packaging	
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>	

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

Six-digit EWC code	Waste description	Additional specified conditions
19 12 01	paper and cardboard	
	20 01 separately collected fractions (except 15 01)	
20 01 01	paper and cardboard]	

Textual Amendments

F129 Sch. 2 Pt. 1 para. 15 substituted (5.9.2016) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/96\)](#), regs. 1, **3(3)**

- 16.—(1) The beneficial use of waste if –
- (a) it is put to that use without further treatment; and
 - (b) that use of the waste does not involve its disposal.

(2) The storage of waste intended to be used in reliance upon the exemption conferred by sub-paragraph (1) at the site where the waste is to be used insofar as that storage does not amount to disposal of the waste.

(3) This paragraph does not apply to the use or storage of waste if that activity is covered by an exemption conferred by paragraph 9, 10, 11, 19 or 25, or would be so covered but for any condition or limitation to which that exemption is subject by virtue of any provision contained in the paragraph by which that exemption is conferred.

Commencement Information

I33 Sch. 2 para. 16 in operation at 19.12.2003, see [reg. 1\(1\)](#)

^{F130}17.

Textual Amendments

F130 Sch. 2 Pt. 1 para. 17 omitted (5.9.2016) by virtue of [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/96\)](#), regs. 1, **3(4)**

^{F131}18.

Textual Amendments

F131 Sch. 2 Pt. 1 para. 18 omitted (5.9.2016) by virtue of [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/96\)](#), regs. 1, **3(5)**

^{F132}19.—(1) Subject to the conditions specified in sub-paragraph (5), the use of waste of a type identified by the six-digit EWC Code in Column 1 of Table 8 and referred to by the corresponding waste description in Column 2 of that Table for the purposes of relevant work.

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

(2) The storage on a site where relevant work is taking place or is to take place, of waste of a type identified by the six-digit EWC Code in Column 1 of Table 8 and referred to by the corresponding waste description in Column 2 of that Table.

(3) For the purposes of this paragraph, “relevant work” means work for the purposes of the construction, maintenance or improvement of—

- (a) a building, road, railway, airport, dock or other transport facility;
- (b) recreational facilities;
- (c) drainage; or
- (d) a waterway;

but does not include any work involving land reclamation.

(4) For the purposes of this paragraph, “drainage” means drainage works as described in Schedule 2 to the Drainage (Northern Ireland) Order 1973.

(5) The specified conditions are that—

- (a) the waste is suitable for use for the purposes of relevant work which will be carried on at the site;
- (b) the site has, and is operated in accordance with, planning permission, where such permission is required;
- (c) the waste used does not exceed the dimensions of the final cross sections shown on any plan required to be kept under regulation 19;
- (d) in the case of waste which is not produced on the site, it is not stored there for longer than 12 months; and
- (e) the activity complies with the additional specified conditions listed in Column 3 of Table 8.

Table 8

<i>Six-digit EWC code</i>	<i>Waste description</i>	<i>Additional specified conditions</i>
	<i>01 04 wastes from physical and chemical processing of non-metalliferous minerals</i>	
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07	
01 04 09	waste sand and clays	
	<i>10 12 wastes from manufacture of ceramic goods, bricks, tiles and construction products</i>	
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)	
	<i>10 13 wastes from manufacture of cement, lime and plaster and articles and products made from them</i>	
10 13 14	waste concrete and concrete sludge	Waste concrete only
	<i>17 01 concrete, bricks, tiles and ceramics</i>	
17 01 01	concrete	

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit EWC code</i>	<i>Waste description</i>	<i>Additional specified conditions</i>
17 01 02	bricks	
17 01 03	tiles and ceramics	
17 01 07	mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06	
	<i>17 03 bituminous mixtures, coal tar and tarred products</i>	
17 03 02	bituminous mixtures other than those mentioned in 17 03 01	
	<i>17 05 soil (including excavated soil from contaminated sites), stones and dredging spoil</i>	
17 05 04	soil and stones other than those mentioned in 17 05 03	
17 05 08	track ballast other than those mentioned in 17 05 07	
	<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>	
19 12 09	minerals (for example sand, stones)	
	<i>19 13 waste from soil and groundwater remediation</i>	
19 13 02	solid wastes from soil remediation other than those mentioned in 19 13 01	
	<i>20 02 garden and park wastes (including cemetery waste)</i>	
20 02 02	soil and stones]	

Textual Amendments

F132 Sch. 2 Pt. 1 para. 19 substituted (5.9.2016) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/96\)](#), regs. 1, **3(6)**

- 20.—(1) Laundering or otherwise cleaning waste textiles with a view to their recovery or reuse.
 (2) The storage of waste textiles at the place where they are to be so laundered or cleaned.

Commencement Information

I34 Sch. 2 para. 20 in operation at 19.12.2003, see [reg. 1\(1\)](#)

21.—(1) Chipping, shredding, cutting or pulverising waste plant matter (including wood or bark), or sorting and baling sawdust or wood shavings, on any premises if –

- (a) those activities are carried on for the purposes of recovery or reuse; and
- (b) no more than 1,000 tonnes of such waste are dealt with on those premises in any period of seven days.

(2) The storage of waste in connection with any activity mentioned in sub-paragraph (1) at the premises where it is carried on if the total amount of waste stored at those premises does not at any time exceed 1,000 tonnes.

Commencement Information

I35 Sch. 2 para. 21 in operation at 19.12.2003, see [reg. 1\(1\)](#)

22.—(1) The recovery, at any premises, of silver from waste produced in connection with printing or photographic processing if no more than 50,000 litres of such waste are dealt with on those premises in any day.

(2) The storage, at those premises, of waste which is to be submitted to such a recovery operation as is mentioned in sub-paragraph (1).

Commencement Information

I36 Sch. 2 para. 22 in operation at 19.12.2003, see [reg. 1\(1\)](#)

[^{F133}23.—(1) The recovery of waste consisting of animal by-products at one of the collection centres in accordance with an authorisation under regulation 27 of the Animal By-Products Regulations (Northern Ireland) 2003 if the total quantity of waste being recovered at that collection centre at any time does not exceed 10 tonnes.

(2) The storage of the waste intended to be submitted to such a recovery operation as is mentioned in sub-paragraph (1) if—

- (a) storage takes place in a secure place; and
- (b) no waste is stored for more than twelve months.

(3) In this paragraph, “collection centres” has the same meaning as in the Community Regulation.]

Textual Amendments

F133 Sch. 2 Pt. 1 para. 23 substituted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), [regs. 1\(1\), 19](#)

Commencement Information

I37 Sch. 2 para. 23 in operation at 19.12.2003, see [reg. 1\(1\)](#)

24.—(1) Crushing, grinding or other size reduction of waste bricks, tiles or concrete, under an authorisation granted under the Industrial Pollution Control Order, to the extent that it is or forms part of a process within paragraph (b) of Part C of section 3.4 (other mineral processes) of Schedule 1 to the 1998 Regulations or under a permit under the 2003 Regulations, to the extent that it is or forms part of an activity within paragraph (a) of Part B of section 3.5 (other mineral activities) of Part I of Schedule 1 to the 2003 Regulations.

(2) Where any such crushing, grinding or other size reduction is carried on otherwise than at the place where the waste is produced, the exemption conferred by sub-paragraph (1) only applies if those activities are carried on with a view to recovery or reuse of the waste.

(3) The storage, at the place where the process is carried on, of any such waste which is intended to be so crushed, ground or otherwise reduced in size, if the total quantity of such waste so stored at that place at any one time does not exceed 20,000 tonnes.

Commencement Information

I38 Sch. 2 para. 24 in operation at 19.12.2003, see [reg. 1\(1\)](#)

25.—(1) Subject to [^{F134}sub-paragraphs (2) to (4)], the deposit of waste arising from dredging inland waters, or from clearing plant matter from inland waters, if either –

- (a) the waste is deposited along the bank or towpath of the waters where the dredging or clearing takes place; or
- (b) the waste is deposited along the bank or towpath of any inland waters so as to result in benefit to agriculture or ecological improvement.

(2) The total amount of waste deposited along the bank or towpath under sub-paragraph (1) on any day must not exceed 50 tonnes for each metre of the bank or towpath along which it is deposited.

(3) Sub-paragraph (1) does not apply to waste deposited in a container or lagoon.

(4) Sub-paragraph (1)(a) only applies to an establishment or undertaking where the waste deposited is the establishment or undertaking's own waste.

^{F135}(4A)

(5) The treatment by screening or dewatering of such waste as is mentioned in sub-paragraph (1)–

- (a) on the bank or towpath of the waters where either the dredging or clearing takes place or the waste is to be deposited, prior to its being deposited in reliance upon the exemption conferred by the foregoing provisions of this paragraph;
- (b) on the bank or towpath of the waters where the dredging or clearing takes place, or at a place where the waste is to be spread, prior to its being spread in reliance upon the exemption conferred by paragraph 9(1) or (2); or
- (c) in the case of waste from dredging, on the bank or towpath of the waters where the dredging takes place, or at a place where the waste is to be spread, prior to its being spread in reliance upon the exemption conferred by paragraph 11(1).

Textual Amendments

F134 Words in Sch. 2 Pt. 1 para. 25(1) substituted (1.1.2007) by [The Nitrates Action Programme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/489\)](#), regs. 1, [29\(2\)\(d\)](#) (with [reg. 2](#))

F135 Sch. 2 Pt. 1 para. 25(4A) omitted (1.1.2007) by virtue of [The Nitrates Action Programme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/489\)](#), regs. 1, [29\(2\)\(e\)](#) (with [reg. 2](#))

Commencement Information

I39 Sch. 2 para. 25 in operation at 19.12.2003, see [reg. 1\(1\)](#)

26.—(1) The recovery or disposal of waste, at the place where it is produced, as an integral part of the process that produces it.

(2) The storage, at the place where it is produced, of waste which is intended to be so recovered or disposed of.

(3) Sub-paragraph (1) does not apply to the final disposal of waste by deposit in or on land.

Commencement Information

I40 Sch. 2 para. 26 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

[^{F136}27.—(1) Subject to the conditions specified in sub-paragraph (3), baling, compacting, crushing, shredding or pulverising waste at the place where it is produced.

(2) The temporary storage, at the place where it is produced, of waste which is intended to be used in reliance upon the exemption conferred by sub-paragraph (1).

(3) The specified conditions are that—

- (a) the combined total volume of all wastes on site at any one time does not exceed 200m³ (whether before, during or after processing);
- (b) each type of waste is treated and stored separately;
- (c) no waste is stored for longer than 12 months; and
- (d) the site has, and is operated in accordance with, planning permission, where such permission is required.]

Textual Amendments

F136 Sch. 2 Pt. 1 para. 27 substituted (5.9.2016) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/96\)](#), regs. 1, **3(7)**

^{F137}28.

Textual Amendments

F137 Sch. 2 Pt. 1 para. 28 revoked (31.3.2009) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/76\)](#), regs. 1(1), **7**

29.—(1) The disposal of waste at the place where it is produced, by the person producing it, by burning it in an incinerator which is an exempt incinerator for the purposes of section 5.1 (incineration) of Schedule 1 to the 1998 Regulations ^{F138}....

(2) The secure storage at that place of any such waste intended to be submitted to such burning.

Textual Amendments

F138 Words in Sch. 2 Pt. 1 para. 29(1) omitted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **21**

Commencement Information

I41 Sch. 2 para. 29 in operation at 19.12.2003, see [reg. 1\(1\)](#)

30.—(1) Subject to sub-paragraph (2), burning waste on land in the open if –

[^{F139}(a) the waste consists of plant tissue;]

- (b) [^{F140}it is agricultural waste or] it is produced on land which is operational land of a railway, light railway, tramway, or any Government Department, or which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, bank of inland waterway, churchyard or cemetery, or it is produced on other land as a result of demolition work;
- (c) it is burned on the land where it is produced; and
- (d) the total quantity burned in any period of 24 hours does not exceed 10 tonnes.

(2) Sub-paragraph (1) only applies to the burning of waste by an establishment or undertaking where the waste burned is the establishment or undertaking's own waste.

(3) The storage pending its burning, on the land where it is to be burned, of waste which is to be burned in reliance upon the exemption conferred by sub-paragraph (1).

[^{F141}(4) The incorporation into soil of ash from cereal straw or cereal stubble burned in reliance of the exemption conferred by sub-paragraph (1) if—

- (a) the incorporation is on the land where the ash was produced; and
- (b) the ash is not, without reasonable excuse, allowed to remain on the soil for longer than 24 hours after the time of commencement of the burning, but is incorporated into the soil—
 - (i) within that period; or
 - (ii) in a case where to do so would be likely, having regard to wind conditions, to cause nuisance, as soon as conditions allow.

(5) For the purposes of this paragraph “plant tissue” includes any linseed residues, oil-seed rape residues, field beans harvested dry residues, peas harvested dry residues, cereal straw or cereal stubble.]

Textual Amendments

F139 Sch. 2 Pt. 1 para. 30(1)(a) substituted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **22(1)**

F140 Words in Sch. 2 Pt. 1 para. 30(1)(b) inserted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **22(2)**

F141 Sch. 2 Pt. 1 para. 30(4)(5) inserted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **22(3)**

Commencement Information

I42 Sch. 2 para. 30 in operation at 19.12.2003, see [reg. 1\(1\)](#)

31. The discharge of waste onto the track of a railway from a sanitary convenience or sink forming part of a vehicle used for the carriage of passengers on the railway if the discharge in question does not exceed 25 litres.

Commencement Information

I43 Sch. 2 para. 31 in operation at 19.12.2003, see [reg. 1\(1\)](#)

32. The burial on premises of waste arising from the use on those premises of a sanitary convenience which is equipped with a removable receptacle if the total amount buried in any period of twelve months does not exceed 5 cubic metres.

Commencement Information

I44 Sch. 2 para. 32 in operation at 19.12.2003, see [reg. 1\(1\)](#)

33.—(1) The keeping or deposit of waste consisting of excavated materials arising from peatworking at the place where that activity takes place.

(2) Sub-paragraph (1) only applies to the keeping or deposit of waste by an establishment or undertaking where the waste kept or deposited is the establishment or undertaking's own waste.

Commencement Information

I45 Sch. 2 para. 33 in operation at 19.12.2003, see [reg. 1\(1\)](#)

34.—(1) The keeping or deposit on land at the place where it is produced of spent ballast if the land is operational land of a railway, light railway or tramway and the total amount kept or deposited at that place does not exceed 10 tonnes for each metre of track from which the ballast derives.

(2) Sub-paragraph (1) only applies to the keeping or deposit of waste by an establishment or undertaking where the waste kept or deposited is the establishment or undertaking's own waste.

Commencement Information

I46 Sch. 2 para. 34 in operation at 19.12.2003, see [reg. 1\(1\)](#)

35.—(1) The deposit of waste consisting of excavated material from a borehole or other excavation made for the purpose of mineral exploration if –

- (a) it is deposited in or on land at the place where it is excavated; and
- (b) the total quantity of waste so deposited over any period of 24 months does not exceed 45,000 cubic metres per hectare.

(2) Sub-paragraph (1) only applies if –

- (a) the drilling of the borehole or the making of any other excavation is development for which planning permission is granted by Article 3 of, and Schedule 1 Part 16 to, the Planning (General Development) Order (Northern Ireland) 1993⁽²⁷⁾; and
- (b) the conditions subject to which the development is permitted are observed.

(3) Expressions used in this paragraph which are also used in the Planning (General Development) Order (Northern Ireland) 1993 shall have the same meaning as in that Order.

Commencement Information

I47 Sch. 2 para. 35 in operation at 19.12.2003, see [reg. 1\(1\)](#)

36.—(1) The temporary storage of waste consisting of garbage, at waste reception facilities subject to and in accordance with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003⁽²⁸⁾, where such storage is incidental to the collection or transport of the waste and so long as –

- (a) the amount of garbage so stored at such waste reception facilities at any time does not exceed 20 cubic metres for each ship from which garbage has been landed; and
- (b) no garbage is so stored for more than seven days.

(2) The temporary storage of waste consisting of tank washings, at waste reception facilities subject to and in accordance with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003, where such storage is incidental to the collection or transport of the waste and so long as –

⁽²⁷⁾ S.R. 1993 No. 278

⁽²⁸⁾ S.I. 2003/1809

- (a) the amount of tank washings consisting of dirty ballast so stored at such waste reception facilities at any time does not exceed 30% of the total deadweight of the ships from which such washings have been landed;
 - (b) the amount of tank washings consisting of waste mixtures containing oil so stored at such waste reception facilities at any time does not exceed 1% of the total deadweight of the ships from which such washings have been landed.
- (3) In this paragraph –
- “garbage” and “tank washings” have the same meaning as in paragraph 20(2) of Schedule 3 to the Controlled Waste Regulations (Northern Ireland) 2002(29);
- “ship” means a vessel of any type whatsoever operating in the marine environment including submersible craft, floating craft and any structure which is a fixed or floating platform.

Commencement Information

I48 Sch. 2 para. 36 in operation at 19.12.2003, see [reg. 1\(1\)](#)

37.—(1) Subject to sub-paragraph (2), the burial of a dead domestic pet in the garden of domestic property where the pet lived.

- (2) Sub-paragraph (1) does not apply if –
- (a) the dead domestic pet may prove hazardous to anyone who may come into contact with it; or
 - (b) the burial is carried out by an establishment or undertaking.

Commencement Information

I49 Sch. 2 para. 37 in operation at 19.12.2003, see [reg. 1\(1\)](#)

38. The deposit or storage of samples of waste which are being or are to be subjected to testing and analysis if the samples are taken –

- (a) in the exercise of any power under the Radioactive Substances Act 1993(30), the 1978 Order, the 1997 Order, the Water Order, the Industrial Pollution Control Order or the Environment (Northern Ireland) Order 2002(31);
- (b) by or on behalf of the holder of a waste management licence, a disposal licence or a resolution in pursuance of the conditions of that licence or resolution;
- (c) by or on behalf of a person carrying on in relation to the waste, an activity described in Part I of this Schedule or in regulation 16(1);
- (d) by or on behalf of the owner or occupier of the land from which the samples are taken;
- (e) by or on behalf of any person to whom –
 - (i) Article 5 of the 1997 Order applies in connection with his duties under that Article; or
 - (ii) the Special Waste Regulations (Northern Ireland) 1998(32) applies; or
- (f) for the purposes of research.

(29) S.R. 2002 No. 248; to which there is an amendment not relevant to these Regulations

(30) 1993 c. 12

(31) S.I. 2002/3153 (N.I. 7)

(32) S.R. 1998 No. 289

Commencement Information

I50 Sch. 2 para. 38 in operation at 19.12.2003, see [reg. 1\(1\)](#)

39.—(1) The secure storage at a pharmacy, pending their disposal there or elsewhere, of waste medicines which have been returned to the pharmacy from households or by individuals if –

- (a) the total quantity of such returned waste medicines at the pharmacy does not exceed 5 cubic metres at any time; and
- (b) any waste medicine so returned to the pharmacy is not stored there for longer than six months.

(2) The secure storage at the premises of a medical, nursing or veterinary practice of waste produced in carrying on that practice if –

- (a) the total quantity of that waste at the premises does not at any time exceed 5 cubic metres; and
- (b) no such waste is stored at those premises for longer than three months.

Commencement Information

I51 Sch. 2 para. 39 in operation at 19.12.2003, see [reg. 1\(1\)](#)

40.—(1) The storage, pending its collection or transport, of non-liquid waste at any site other than the premises where it is produced [^{F142}including the temporary storage of WEEE^{F143} or waste batteries or accumulators] pending its recovery] if –

- (a) it is stored in a secure container or containers, does not at any time exceed 50 cubic metres in total and is not kept for a period longer than 3 months;
- (b) the person storing the waste is the owner of the container or has the consent of the owner;
^{F144} ...
- (c) the container in which it is stored is not on a site which is otherwise being used for the reception of waste with a view to its being disposed of or recovered elsewhere [^{F145}; and
- (d) the person storing the waste ensures that no waste collected and transported in accordance with Article 5(2E) of the 1997 Order is mixed with any other waste or any material, to the extent that mixing would hamper future recycling.]

(2) Sub-paragraph (1) does not apply to the storage of waste at a place used for the recovery of scrap metal or the dismantling of waste motor vehicles.

(3) The temporary storage, pending their collection or transport, of scrap rails on operational land of a railway, light railway or tramway if the total quantity of that waste in any one place does not at any time exceed 10 tonnes.

Textual Amendments

F142 Words in Sch. 2 Pt. 1 para. 40(1) inserted (5.1.2007) by Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (Northern Ireland) 2006 (S.R. 2006/519), reg. 1, [Sch. 1 para. 8\(a\)](#) (with Sch. 2)

F143 Words in Sch. 2 Pt. 1 para. 40(1) inserted (20.5.2009) by The Waste Batteries and Accumulators (Treatment and Disposal) Regulations (Northern Ireland) 2009 (S.R. 2009/159), regs. 1, [3\(6\)\(a\)](#) (with reg. 4)

F144 Word in Sch. 2 Pt. 1 para. 40(1)(b) omitted (14.2.2015) by virtue of [The Food Waste Regulations \(Northern Ireland\) 2015 \(S.R. 2015/14\)](#), regs. 1(1), **5(4)(b)(i)**

F145 Sch. 2 Pt. 1 para. 40(1)(d) and word substituted for full stop (14.2.2015) by virtue of [The Food Waste Regulations \(Northern Ireland\) 2015 \(S.R. 2015/14\)](#), regs. 1(1), **5(4)(b)(ii)**

Commencement Information

I52 Sch. 2 para. 40 in operation at 19.12.2003, see [reg. 1\(1\)](#)

41.—(1) The temporary storage, pending its collection, of waste [^{F146}(including WEEE or waste batteries or accumulators)] on the site where it is produced.

(2) Sub-paragraph (1) does not apply to the storage of waste at a place used for the recovery of scrap metal or the dismantling of waste motor vehicles.

(3) Sub-paragraph (1) shall apply to [^{F32}hazardous waste] if –

- (a) it is stored on the site for no more than twelve months;
- (b) in the case of liquid waste, it is stored in a secure container and the total volume of that waste does not at any time exceed 23,000 litres; and
- (c) in any other case –
 - (i) it is stored in a secure container and the total volume of that waste does not at any time exceed 80 cubic metres; or
 - (ii) it is stored in a secure place and the total volume of that waste does not at any time exceed 50 cubic metres.

Textual Amendments

F32 Words in Regulations substituted (16.7.2005) by virtue of [The Hazardous Waste Regulations \(Northern Ireland\) 2005 \(S.R. 2005/300\)](#), reg. 1(1), **Sch. 10 para. 9(2)(4)**

F146 Words in Sch. 2 Pt. 1 para. 41(1) substituted (20.5.2009) by [The Waste Batteries and Accumulators \(Treatment and Disposal\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/159\)](#), regs. 1, **3(6)(b)** (with reg. 4)

Commencement Information

I53 Sch. 2 para. 41 in operation at 19.12.2003, see [reg. 1\(1\)](#)

42.—(1) The treatment, keeping or disposal by any person at any premises of waste consisting of scrap metal or waste motor vehicles which are to be dismantled if –

- (a) he was carrying on the activity in question at those premises before 19th December 2003; and
- (b) he has applied, before that date, for a disposal licence under Part II of the 1978 Order authorising that activity and that application is pending on that date.

(2) The exemption conferred by sub-paragraph (1), in relation to the carrying on of an activity at any premises, shall cease to have effect in relation to the carrying on of that activity at those premises on the date on which the licence applied for is granted or, if the application is (or is deemed to be) rejected, on the date on which –

- (a) the period for appealing expires without an appeal being made; or
- (b) any appeal is withdrawn or finally determined.

Commencement Information

I54 Sch. 2 para. 42 in operation at 19.12.2003, see [reg. 1\(1\)](#)

- 43.—(1) The treatment, keeping or disposal by any person at any premises of waste if –
- (a) he was carrying on the activity in question at those premises before 19th December 2003; and
 - (b) before that date no disposal licence was required under Part II of the 1978 Order for that activity.

(2) Subject to sub-paragraph (3), the exemption conferred by sub-paragraph (1), in relation to an activity carried on by a person at any premises, shall after 19th December 2004 cease to have effect in relation to the carrying on of that activity at those premises unless on or before that date he applies for a waste management licence in relation to the activity in question.

(3) Where a person makes such an application as is mentioned in sub-paragraph (2), the exemption conferred by sub-paragraph (1) shall continue to have effect in relation to the activity in question until the date on which the licence applied for is granted or, if the application is (or is deemed to be) rejected, until the date on which –

- (a) the period for appealing expires without an appeal being made; or
- (b) any appeal is withdrawn or finally determined.

Commencement Information

I55 Sch. 2 para. 43 in operation at 19.12.2003, see [reg. 1\(1\)](#)

44.—(1) Heating iron, steel or any ferrous-alloy, non-ferrous metal or non-ferrous metal alloy, in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts, for the purpose of removing grease, oil or any other non-metallic contaminant.

(2) Sub-paragraph (1) does not apply to the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant.

(3) In the case of a process involving the heating of iron, steel or any ferrous-alloy, sub-paragraph (1) does not apply if that process is related to a process described in any of paragraphs (a) to (h), or (j) to (l), of Part A or paragraphs (a), (b), (e) or (f) of Part B or paragraphs (a), (b) or (c) of Part C of section 2.1 of Schedule 1 to the 1998 Regulations or an activity described in section 2.1 (other than in paragraph (d) of Part C) of Part I of Schedule 1 to the 2003 Regulations.

(4) In the case of a process involving the heating of any non-ferrous metal or non-ferrous metal alloy, sub-paragraph (1) does not apply if that process is related to a process described in any of paragraphs (a) to (g), or (j) or (k), of Part A of section 2.2 of Schedule 1 to the 1998 Regulations or an activity described in Part A of section 2.2 of Part I of Schedule 1 to the 2003 Regulations.

(5) The secure storage at the premises where the heating is to take place of waste intended to be submitted to heating to which sub-paragraph (1) applies if the waste or, as the case may be, any container in which the waste is stored, is stored on an impermeable pavement.

(6) In this paragraph, “net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal.

(7) In this paragraph, “ferrous alloy” means an alloy of which iron is the largest constituent, or equal to the largest constituent, by weight, whether or not that alloy also has a non-ferrous metal

content greater than any percentage specified in section 2.2 of Schedule 1 to the 1998 Regulations, or as the case may be, section 2.2 of Schedule 1 to the 2003 Regulation and “non-ferrous metal alloy” shall be construed accordingly.

Commencement Information

I56 Sch. 2 para. 44 in operation at 19.12.2003, see [reg. 1\(1\)](#)

[^{F147}45.—(1) Subject to the conditions specified in sub-paragraph (3), the storage of waste of a type identified by the six-digit EWC Code in Column 1 of Table 10 and referred to by the corresponding waste description in Column 2 of that Table at a quayside prior to loading a vessel.

(2) For the purposes of this paragraph, “vessel” means a vessel as defined in Article 1 of Schedule 11 to the Merchant Shipping Act 1995.

(3) The specified conditions are that—

- (a) the combined total volume of all wastes stored on site at any one time does not exceed 5,000m³;
- (b) no waste is stored for longer than 12 months; and
- (c) the site has, and is operated in accordance with, planning permission, where such permission is required.

Table 10

<i>Six-digit EWC Code</i>	<i>Waste description</i>
	<i>02 01 wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing</i>
02 01 10	waste metal
	<i>12 01 wastes from shaping and physical and mechanical surface treatment of metals and plastics</i>
12 01 01	ferrous metal filings and turnings
12 01 02	ferrous metal dust and particles
12 01 03	non-ferrous metal filings and turnings
12 01 04	non-ferrous metal dust and particles
	<i>15 01 packaging (including separately collected municipal packaging waste)</i>
15 01 04	metallic packaging
	<i>16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)</i>
16 01 17	ferrous metal
16 01 18	non-ferrous metal
	<i>16 08 spent catalysts</i>

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Six-digit Code</i>	<i>EWC</i>	<i>Waste description</i>
16 08 01		spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum (except 16 08 07)
16 08 03		spent catalysts containing transition metals or transition metal compounds not otherwise specified
		<i>17 04 metals (including their alloys)</i>
17 04 01		copper, bronze, brass
17 04 02		aluminium
17 04 03		lead
17 04 04		zinc
17 04 05		iron and steel
17 04 06		tin
17 04 07		mixed metals
17 04 11		cables other than those mentioned in 17 04 10
		<i>19 01 wastes from incineration or pyrolysis of waste</i>
19 01 02		ferrous materials removed from bottom ash
		<i>19 10 wastes from shredding of metal-containing wastes</i>
19 10 01		iron and steel waste
19 10 02		non-ferrous waste
		<i>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</i>
19 12 02		ferrous metal
19 12 03		non-ferrous metal
		<i>20 01 separately collected fractions (except 15 01)</i>
20 01 40		metals]

Textual Amendments

F147 Sch. 2 Pt. 1 para. 45 substituted (5.9.2016) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/96\)](#), regs. 1, **3(8)**

46.—(1) Subject to the following provisions of this paragraph and any limitation set down in Column 3 of Table 11 –

- (a) the recovery within the curtilage of a water treatment works of waste from water treatment if the total quantity of waste which is accepted in any period of twelve months does not exceed 10,000 cubic metres;
- (b) the secure storage within the curtilage of a water treatment works of waste intended to be submitted to the activities mentioned in sub-paragraph (a);

- (c) the recovery of waste within the curtilage of a sewage treatment works where the total quantity of waste accepted at a sewage treatment works in any period of 12 months does not exceed 100,000 cubic metres; and
- (d) the secure storage within the curtilage of a sewage treatment works of waste intended to be submitted to the activities mentioned in sub-paragraph (c).

(2) Sub-paragraphs (1)(a) and (b) apply to only those wastes identified by EWC Code in Column 1 of Part 1 of Table 11 and referred to in Column 2 of that Table and sub-paragraphs (1)(c) and (d) apply to any of those wastes listed by EWC Code in Column 1 of Table 11 and referred to in Column 2 of that Table.

(3) The recovery and storage operation takes place on an impermeable pavement.

Table 11

<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
PART I		
	<i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i>	
19 09 01	solid waste from primary filtration and screenings	Screenings only
19 09 02	sludges from water clarification	
19 09 03	sludges from decarbonation	
19 09 06	solutions and sludges from regeneration of ion exchangers	
PART II		
	<i>Wastes from waste water treatment plants not otherwise specified (19 08)</i>	
19 08 05	sludges from treatment of urban waste water	
	<i>Other municipal wastes (20 03)</i>	
20 03 04	Septic tank sludge	
20 03 99	Municipal waste not otherwise specified	cesspool waste and other sewage sludge not described elsewhere in this table only.

Commencement Information

I57 Sch. 2 para. 46 in operation at 19.12.2003, see **reg. 1(1)**

47.—(1) Subject to sub-paragraphs (2) to (4), the burning at a dock of waste consisting of –

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- (a) plant tissue waste, in pursuance of a notice given under Article 22 of the Plant Health Order (Northern Ireland) 1993⁽³³⁾;
 - (b) wood of any kind used to wedge or support parts of cargo, including packing material, spacers and pallets, in pursuance of a notice given under Article 20 of the Plant Health (Wood and Bark) Order (Northern Ireland) 1993⁽³⁴⁾.
- (2) The storage at the dock where it was unloaded of waste intended to be burned under subparagraph (1).
- (3) The total quantity of waste stored, or burned in any period of 24 hours, shall not exceed 15 tonnes.
- (4) The waste shall be burnt on a hardstanding within a secure location at the dock where it was unloaded.

Commencement Information

I58 Sch. 2 para. 47 in operation at 19.12.2003, see [reg. 1\(1\)](#)

- ^{F148}47A.—[
- ^{F149}(1) The treatment of land used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—
- (a) the waste consists only of liquid milk;
 - (b) before the treatment the waste is diluted with not less than an equal quantity of water or slurry;
 - (c) in any period of 30 days the land is treated with no more than 50 cubic metres (tonnes) of diluted waste per hectare; and
 - (d) the treatment shall be carried out in accordance with the [^{F150}Nutrient Action Programme Regulations (Northern Ireland) 2019].]
- (2) The secure storage or dilution of waste intended to be used to treat land as specified in subparagraph (1).
- (3) For the purposes of this paragraph, waste is subject to treatment only when it is spread on land or is injected or otherwise introduced into the surface of that land.]

Textual Amendments

- F148** Sch. 2 Pt. 1 paras. 47A, 47B inserted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), [regs. 1\(1\), 23](#)
- F149** Sch. 2 Pt. 1 para. 47A(1) substituted (1.1.2007) by virtue of [The Nitrates Action Programme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/489\)](#), [regs. 1, 29\(2\)\(f\)](#) (with [reg. 2](#))
- F150** Words in Sch. 2 Pt. 1 para. 47A(1)(d) substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), [regs. 1\(1\), 37\(1\)\(a\)](#)

- ^{F151}47B. The deposit of agricultural waste consisting of plant tissue at the place of production if—
- (a) there is no more than 250 cubic metres (tonnes) in any one deposit;

⁽³³⁾ S.R. 1993 No. 256

⁽³⁴⁾ S.R. 1993 No. 460

- (b) the deposit is not immediately adjacent to any other deposit made in reliance on this exemption; ^{F152}...
- (c) the deposit shall be carried out in accordance with the [^{F153}Nutrient Action Programme Regulations (Northern Ireland) 2019][^{F154}]; and
- (d) the deposit is carried out in accordance with any requirements specified under a notice served under Article 32 of the Plant Health Order (Northern Ireland) 2006.]]

Textual Amendments

- F151** Sch. 2 Pt. 1 para. 47B substituted (1.1.2007) by virtue of [The Nitrates Action Programme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/489\)](#), regs. 1, **29(2)(g)** (with reg. 2)
- F152** Word in Sch. 2 Pt. 1 para. 47B(b) omitted (13.2.2008) by virtue of [The Waste Management \(Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/18\)](#), regs. 1, **3(1)**
- F153** Words in Sch. 2 Pt. 1 para. 47B(c) substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), regs. 1(1), **37(1)(a)**
- F154** Sch. 2 Pt. 1 para. 47B(d) and word inserted (13.2.2008) by [The Waste Management \(Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/18\)](#), regs. 1, **3(2)**

^{F155}47C.—(1) The disposal of agricultural waste consisting of non-hazardous pesticide solution or washings in a lined biobed at the place of production of that waste if—

- (a) every part of the place upon which the disposal is carried out is surfaced with an impermeable pavement provided with a sealed drainage system so that all liquids are directed into the biobed;
- (b) the biobed is located at a secure place at least—
 - (i) 10 metres from a waterway;
 - (ii) 50 metres from a spring, well or borehole; and
 - (iii) 250 metres from a borehole used for a public water supply;
- (c) the lining of the biobed is impermeable;
- (d) the biobed is suitable for treatment of the waste;
- (e) the biobed is covered with turf;
- (f) the total quantity of waste being treated does not exceed 15,000 litres in any period of 12 months;
- (g) the input of rainfall is limited by a temporary impermeable cover during times when—
 - (i) the soil is waterlogged;
 - (ii) the land is flooded or likely to flood; or
 - (iii) heavy rain or snow is forecast within 48 hours; and
- (h) the biobed is at least 1 metre in depth and at least 1 cubic metre of biobed material is used to treat 1000 litres of liquid.

(2) The secure storage within covered secondary containment of not more than 1500 litres of waste at the place where it is intended to be treated in a biobed in reliance on the exemption in subparagraph (1).

(3) The treatment of land used for agriculture with agricultural waste consisting of biobed material where such treatment results in benefit to agriculture or ecological improvement if —

- (a) the biobed material is stored securely for 12 months before it is spread;
- (b) the biobed material consists of a mixture of straw, compost and biologically active soil;

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- (c) the treatment shall be carried out in accordance with the [^{F156}Nutrient Action Programme Regulations (Northern Ireland) 2019]; and
 - (d) the total quantity of waste used does not exceed 50 tonnes per hectare in any period of 12 months.
- (4) The secure storage at the place of production of waste that is intended to be used in reliance of the exemption in sub-paragraph (3) if—
- (a) no more than 50 cubic metres of waste is stored at any one time; and
 - (b) no waste is stored more than 3 years.
- (5) For the purposes of this paragraph “secondary containment” means an area surrounded by a bund or any other system for preventing a liquid which is no longer in its container from escaping from the place where it is stored.

Textual Amendments

F155 Sch. 2 Pt. 1 paras. 47C-47F inserted (13.2.2008) by [The Waste Management \(Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/18\)](#), regs. 1, 4

F156 Words in Sch. 2 Pt. 1 para. 47C(3)(c) substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), regs. 1(1), **37(1)(b)**

47D.—(1) The mixing of ash from the incineration of pig or poultry carcasses at its place of production with manure for use in land treatment as specified in sub-paragraph (2).

(2) The treatment of land used for agriculture with agricultural waste produced on that land where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste consists of ash from the incineration of pig or poultry carcasses or such ash mixed with manure in reliance of the exemption in sub-paragraph (1);
- (b) the treatment shall be carried out in accordance with the [^{F157}Nutrient Action Programme Regulations (Northern Ireland) 2019];
- (c) where the waste consists only of ash from the incineration of pig or poultry carcasses the waste is incorporated into the soil as soon as possible; and
- (d) the total quantity of ash incorporated into the soil does not exceed 150 kilogrammes per hectare in any period of 12 months.

(3) The secure storage of not more than 100 tonnes of waste intended to be used to treat land as specified in sub-paragraph (2).

Textual Amendments

F155 Sch. 2 Pt. 1 paras. 47C-47F inserted (13.2.2008) by [The Waste Management \(Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/18\)](#), regs. 1, 4

F157 Words in Sch. 2 Pt. 1 para. 47D(2)(b) substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), regs. 1(1), **37(1)(b)**

47E.—(1) The treatment of land used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste consists of dredgings (other than those containing dangerous substances) from farm ditches;

- (b) the treatment shall be carried out in accordance with the [^{F158}Nutrient Action Programme Regulations (Northern Ireland) 2019]; and
 - (c) the total quantity of waste used per hectare does not exceed 150 tonnes per hectare in any period of 12 months.
- (2) The secure storage of not more than 200 tonnes of waste intended to be used to treat land as specified in sub-paragraph (1).

Textual Amendments

F155 Sch. 2 Pt. 1 paras. 47C-47F inserted (13.2.2008) by [The Waste Management \(Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/18\)](#), regs. 1, 4

F158 Words in Sch. 2 Pt. 1 para. 47E(1)(b) substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), regs. 1(1), **37(1)(b)**

47F. The treatment of land used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste consists only of spent mushroom compost;
- (b) the treatment shall be carried out in accordance with the [^{F159}Nutrient Action Programme Regulations (Northern Ireland) 2019];
- (c) the total quantity of waste used per hectare does not exceed 50 tonnes per hectare in any period of 12 months; and
- (d) the total quantity of waste stored at any one time does not exceed 200 tonnes.]

Textual Amendments

F155 Sch. 2 Pt. 1 paras. 47C-47F inserted (13.2.2008) by [The Waste Management \(Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/18\)](#), regs. 1, 4

F159 Words in Sch. 2 Pt. 1 para. 47F(b) substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), regs. 1(1), **37(1)(b)**

48. For the purposes of this Schedule –

a container, lagoon or place is “secure” in relation to waste kept in it if all reasonable precautions are taken to ensure that the waste cannot escape from it and members of the public are unable to gain access to the waste, and any reference to secure storage means storage in a secure container, lagoon or place;

“inland waters” means the whole or any part of –

- (a) any river, stream or other watercourse (within the meaning of the Water Order), whether natural or artificial and whether tidal or not;
- (b) any lake or pond, whether natural or artificial, or any reservoir or dock, in so far as the lake, pond, reservoir or dock does not fall within paragraph (a) of this definition; and
- (c) so much of any channel, creek, bay, estuary or arm of the sea as does not fall within paragraph (a) or (b) of this definition.

Commencement Information

I59 Sch. 2 para. 48 in operation at 19.12.2003, see [reg. 1\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

[^{F160}49.—(1) The carrying on, at any secure place in respect of WEEE of a kind described in Table 11A, of the treatment activities of repair or refurbishment or both if—

- (a) the activity is carried on with a view to the reuse of the WEEE for its original purpose;
- (b) best available treatment, recovery and recycling techniques are used when carrying out the activity;
- (c) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the treatment limit specified in relation to that kind of WEEE in Table 11A;
- (d) the technical requirements specified in [^{F161}paragraph (6)] are met.

Table 11A

<i>Kind of Waste</i>	<i>Storage Limits</i>	<i>Treatment Limits</i>
16 02 14 (WEEE other than those mentioned in 16 02 09 to 16 02 13)	80 cubic metres	5 tonnes per day
20 01 36 (WEEE other than those mentioned in 20 01 21, 20 01 23 and 20 01 35)	80 cubic metres	5 tonnes per day

(2) The carrying on at any secure place in respect of WEEE that is hazardous waste of a kind described in Table 11B, of the treatment activities of repair or refurbishment or both, but not including the degassing and capture of ozone depleting substances, if—

- (a) the activity is carried on with a view to the reuse of the WEEE for its original purpose;
- (b) best available treatment, recovery and recycling techniques are used when carrying out the activity;
- (c) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the treatment limit specified in relation to that kind of WEEE in Table 11B;
- (d) the technical requirements specified in [^{F162}paragraph (6)] are met;
- (e) the other requirements specified in relation to that kind of WEEE in Table 11B are met.

Table 11B

<i>Kind of Waste</i>	<i>Storage Limits</i>	<i>Treatment Limits</i>	<i>Other Requirements</i>
16 02 11* (WEEE containing chlorofluorocarbons, HCFC, HFC) and 20 01 23* (WEEE containing chlorofluorocarbons)	80 cubic metres	5 tonnes per day	Stored and treated in a manner that will prevent the release of the CFCs, HCFCs or HFCs
Television and computer monitors containing cathode ray tubes falling within 16 02 13* (WEEE containing hazardous components other than those mentioned in 16 02 09 to 16	80 cubic metres	5 tonnes per day	

<i>Kind of Waste</i>	<i>Storage Limits</i>	<i>Treatment Limits</i>	<i>Other Requirements</i>
02 12) and 20 01 35* (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components)			

(3) The secure storage at the place where the activity is carried on of any WEEE of a kind described in Table 11A or 11B intended to be submitted to repair or refurbishment or both if—

- (a) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the storage limit specified in relation to that kind of WEEE in Table 11A or 11B;
- (b) the technical requirements specified in [F163 paragraph (6)] are met;
- (c) the other requirements specified in relation to that kind of WEEE in Table 11B are met;
- (d) the WEEE is stored in such a manner that is environmentally sound reuse or recycling is not hindered;
- (e) no WEEE is stored at that place for more than 12 months.

(4) Paragraphs (1), (2) and (3) only apply to the carrying on of an activity at a place if the person responsible for the management of that place has established administrative arrangements to ensure that—

- (a) WEEE accepted at that place is of a kind described in Table 11A or 11B, as the case may be; and
- (b) no waste is accepted at that place in such a quantity as would cause there to be breach of any of the conditions of the exemption.

(5) For the purposes of this paragraph, the storage and treatment limits specified in Tables 11A and 11B are overall limits that apply to all waste falling within the 6-digit code or codes specified in those tables.]

[F164(6) The technical requirements are—

- (a) sites for storage (including temporary storage) of WEEE prior to its treatment must have—
 - (i) impermeable surfaces for appropriate areas with provision for spillage collection facilities and where appropriate decanters and cleansers/degreasers; and
 - (ii) waterproof covering of appropriate areas;
- (b) sites for treatment of WEEE must have—
 - (i) impermeable surfaces for appropriate areas with provision for spillage collection facilities and where appropriate decanters and cleansers/degreasers;
 - (ii) scales to measure the weight of the treated waste;
 - (iii) appropriate storage of disassembled parts;
 - (iv) appropriate containers for the storage of batteries, PCB's/PCT's containing capacitors and other hazardous waste such as radioactive waste; and
 - (v) equipment for the treatment of water.]

Textual Amendments

F160 Sch. 2 Pt. 1 paras. 49-51 inserted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\)](#), reg. 1, [Sch. 1 para. 8\(c\)](#) (with Sch. 2)

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

- F161** Words in Sch. 2 Pt. 1 para. 49(1)(d) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F162** Words in Sch. 2 Pt. 1 para. 49(2)(d) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F163** Words in Sch. 2 Pt. 1 para. 49(3)(b) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F164** Sch. 2 Pt. 1 para. 49(6) added (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

- [^{F160}50.—(1) The secure storage at any place of WEEE of a kind described in Tables 11C if—
- (a) the WEEE is stored for the purpose of its recovery elsewhere;
 - (b) the total quantity of any particular kind of WEEE stored at the site at any time does not exceed the storage limit specified in relation to that kind of WEEE in Table 11C;
 - (c) the total duration that any particular kind of WEEE is stored for does not exceed the duration limits specified in relation to that kind of WEEE in Table 11C;
 - (d) the type of containment specified in relation to that kind of WEEE in Table 11C is met; and
 - (e) the WEEE is stored on such a manner that its environmentally sound reuse or recycling is not hindered.

Table 11C

<i>Kind of Waste</i>	<i>Maximum quantity</i>	<i>Maximum duration</i>	<i>Type of containment</i>
16 02 14 (WEEE other than those mentioned in 16 02 09 to 16 02 12)	80 cubic metres	3 months	impermeable surface; weatherproof covering of stored WEEE
20 01 36 (WEEE other than those mentioned in 20 01 21, 20 01 23 and 20 01 35)	80 cubic metres	3 months	impermeable surface; weatherproof covering of stored WEEE

- (2) The secure storage at any place of WEEE of a kind described in Table 11D if—
- (a) the WEEE is stored for the purpose of its recovery elsewhere;
 - (b) the total quantity of any particular kind of WEEE stored at the site at any time does not exceed the storage limit specified in relation to that kind of WEEE in Table 11D;
 - (c) the total duration that any particular kind of WEEE is stored for does not exceed the duration limits specified in relation to that kind of WEEE in Table 11D;
 - (d) the type of containment and other requirements specified in relation to that kind of WEEE in Table 11D are met; and
 - (e) the WEEE is stored in such a manner that its environmentally sound reuse or recycling is not hindered.

Table 11D

<i>Kind of Waste</i>	<i>Maximum quantity</i>	<i>Maximum duration</i>	<i>Type of containment</i>	<i>Other requirements</i>
16 02 11* (WEEE containing chlorofluorocarbons, HCFC or HFC) and 20 01 23* (WEEE containing chlorofluorocarbons)	80 cubic metres	3 months	impermeable surface; weatherproof covering of stored WEEE	stored in a manner that will prevent the release of the CFC, HCFC and HFC; the number of units in any stack shall not exceed 2; the overall height of any stack shall not exceed 3.5m
16 02 13* (WEEE containing hazardous components other than those mentioned in 16 02 09 to 16 02 12) and 20 01 35* (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components)	80 cubic metres	3 months	impermeable surface; weatherproof covering of stored WEEE	
20 01 21* (fluorescent tubes and other mercury-containing waste)	50 cubic metres	3 months	appropriate secure containers; weatherproof covering	stored in such a way that the glass is not broken

(3) For the purposes of sub-paragraphs (1) and (2), the activity of storage shall be taken to include the incidental sorting of waste of that kind.

(4) For the purposes of this paragraph, the storage and treatment limits specified in Tables 11C and 11D are overall limits that apply to all waste falling within the 6-digit code or codes specified in those Tables.]

Textual Amendments

F160 Sch. 2 Pt. 1 paras. 49-51 inserted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\)](#), reg. 1, **Sch. 1 para. 8(c)** (with Sch. 2)

- [^{F160}51.—(1) The crushing of waste gas discharge lamps (including fluorescent tubes which are hazardous waste within category **20 01 21***) for the purposes of volume reduction prior to collection, where the material is intended for recovery or reuse if—
- (a) the activity is carried on in equipment designed for the purpose of volume reduction prior to collection;
 - (b) the activity is carried on solely for that purpose;
 - (c) the mercury concentration in emissions does not exceed 50 micrograms per cubic metre;
 - (d) the total quantity of lamps processed in any period of 24 hours does not exceed 3 tonnes;
- (2) The secure storage of such lamps prior to crushing, or after crushing but prior to collection if—
- (a) the lamps are stored under weatherproof covering; and
 - (b) after crushing the lamps are stored in a secure container.]

Textual Amendments

F160 Sch. 2 Pt. 1 paras. 49-51 inserted (5.1.2007) by [Waste Electrical and Electronic Equipment \(Waste Management Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/519\)](#), reg. 1, **Sch. 1 para. 8(c)** (with Sch. 2)

- [^{F165}52. The secure storage at a place other than the place of production, pending its recovery, of waste batteries or accumulators of a kind described in Table 11E, if—
- (a) the total quantity of waste batteries or accumulators stored at the site at any one time does not exceed the maximum quantity specified in Table 11E;
 - (b) the total duration that the waste batteries or accumulators are stored for does not exceed the maximum duration specified in Table 11E;
 - (c) the waste batteries or accumulators are stored in a container separate from other wastes; and
 - (d) the storage site has sealed drainage.

Table 11E

<i>EWC codes</i>	<i>Kind of waste</i>	<i>Maximum quantity</i>	<i>Maximum duration</i>
160601*, 160602*, 160604, 200133*, 200134	batteries and accumulators	5 tonnes and 10 tonnes	for 6 months] automotive batteries and accumulators for portable batteries and accumulators

Textual Amendments

F165 Sch. 2 Pt. 1 para. 52 inserted (20.5.2009) by [The Waste Batteries and Accumulators \(Treatment and Disposal\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/159\)](#), regs. 1, **3(6)(c)** (with reg. 4)

PART II

INFORMATION REQUIRED FOR THE REGISTRATION OF AN EXEMPTION

Commencement Information

I60 Sch. 2 Pt. II in operation at 19.12.2003, see [reg. 1\(1\)](#)

<i>Paragraph number of exempt activity in Part I</i>	<i>Plans and documents required</i>
8	<p>In relation to the requirement of regulation 18 that the notification to the Department contains information on the place where the activity is carried on (including any requirement relating to the submission to the Department of a plan for such a place and a grid reference for that place), the following shall be submitted –</p> <ul style="list-style-type: none">(a) the location, name and address and six figure Ordnance Survey Irish grid reference of the place where any waste is to be stored under paragraph 8(2) of Part I;(b) the quantity of waste to be stored at any one time;(c) the storage arrangements for the waste, including details of the construction and capacity of all tanks and their bunds; and information on the use to which the waste is to be put, including the type of vehicle, locomotive or vessel in which the engine referred to in paragraph 8(1) of Part I is located.
9	<p>(1) The notice shall include the following particulars –</p> <ul style="list-style-type: none">(a) a description of the waste to be used, its physical form and the process from which it arose;(b) a description of where and how the waste will be stored pending its use;(c) a description of the land which is to be treated with the waste, including the farm survey number, client reference number and field number (if there is one) and area, the area available for treatment, the soil, crops grown or to be grown in the soil and all wastes used to treat the land in the previous six months;(d) the method and intended date of treatment, the quantities of waste to be used and the rate of application;

Paragraph number of exempt activity in Part I Plans and documents required

- (e) details of the benefit to agriculture or ecological improvement to be expected from the treatment, including any analysis of the waste or the soil, and management plans;
- (f) the location of any waterway within 15 metres of the land on which the waste is to be spread.

(2) The notice shall be accompanied by the following documents –

- (a) an analysis of the wastes to be used and the soil which is to be treated with them;
- (b) an assessment of the risk of pollution caused by the use;
- (c) a certificate describing how the treatment will result in benefit to agriculture or ecological improvement,

which shall be prepared by or be based upon advice from a person with appropriate technical or professional expertise.

(3) Wastes shall be analysed in relation to the following parameters –

- (a) percentage dry solids content;
- (b) pH;
- (c) conductivity (mS);
- (d) total content of major nutrients and readily plant available ammonium-nitrogen with the results to be expressed on a fresh weight basis;
- (e) biochemical oxygen demand; and
- (f) in relation to the types of waste that are listed in the first column of Table 12 in Part III of this Schedule, the parameters ticked in the remaining columns of the Table.

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The notice shall include the following particulars –

- (a) the names, addresses and telephone numbers, and, if applicable, the fax numbers and e-mail addresses of the establishment or undertaking that is to store or spread the sludge and of the establishment or undertaking supplying the sludge;

<i>Paragraph number of exempt activity in Part I</i>	<i>Plans and documents required</i>
	<ul style="list-style-type: none">(b) the quantity of sludge to be stored or spread and its origin;(c) information on how the sludge has been treated and where it has been treated;(d) the location in which the sludge is to be stored or spread, including a description of any container or lagoon to be used;(e) the locations of any buildings, public rights of way, abstraction points or surface waters above Ordnance Datum which are situated within 400 metres of the boundaries of that place;(f) where sludge is to be spread, the notice shall be accompanied by a certificate describing how the activity will result in benefit to agriculture or ecological improvement, which shall be prepared by or based on advice from a person with appropriate technical or professional expertise.
11	<p>(1) The notice shall include the following particulars –</p> <ul style="list-style-type: none">(a) where less than 2,500 cubic metres of waste are to be spread in any one year, a description of the spreading, the type and quantity of waste to be spread and the location of the spreading;(b) where 2,500 or more cubic metres of waste are to be spread –<ul style="list-style-type: none">(i) the total quantity of waste to be spread;(ii) the type of waste to be spread, identified by reference to the descriptions in the second column of Table 4;(iii) the name, address and telephone number of all the relevant landowners and the location of their land where the waste is to be spread or stored;(iv) a plan of the spreading with cross-sections showing the proposed final levels of the land affected by the spreading;(v) the intended start and completion date of the spreading and any related storage.

<i>Paragraph number of exempt activity in Part I</i>	<i>Plans and documents required</i>
13	<p>(2) Where any of the wastes listed in Part II of Table 4 is to be spread, the notice shall be accompanied by a certificate describing how the activity will result in benefit to agriculture or ecological improvement, which shall be prepared by or based on advice from a person with appropriate technical or professional expertise.</p> <p>Where the total amount of compost at the site exceeds or will exceed 10 tonnes at any one time, the plan accompanying the notice referred to in regulation 18 shall show –</p> <ul style="list-style-type: none"> (a) the locations of any buildings, public rights of way, abstraction points or surface waters above Ordnance Datum which are situated within 250 metres of the boundaries of that place; (b) the quantities and types of waste to be composted, and the expected duration of the composting; (c) where containment is to be provided by composting in a vessel, in a sealed building or other similar arrangement to provide a contained and controlled composting environment, the method of containment.
19	<p>The notice shall include the following particulars –</p> <ul style="list-style-type: none"> (a) where less than 2,500 cubic metres of waste are to be stored or used, a description of the use, the type and quantity of waste to be stored or used and the location of the spreading; (b) where 2,500 or more cubic metres of waste are to be stored or used – <ul style="list-style-type: none"> (i) the total quantity of waste to be stored or used; (ii) the type of waste to be stored or used, identified by reference to the descriptions in Table 8; (iii) the names, addresses, telephone numbers, and if applicable, the fax numbers and e-mail addresses of all owners of the land where the waste is to be stored or used; (iv) a plan containing at least one cross-section showing the proposed final levels of the land affected by the use of the waste;

<i>Paragraph number of exempt activity in Part I</i>	<i>Plans and documents required</i>
45	<p>(v) the intended start and completion date of the storage or use.</p> <p>(a) (a) The notice shall include the location of any such secure containers as are mentioned in paragraph 45(2)(e) of Part I of Schedule 2</p> <p>(b) The records required by regulation 19(3) and paragraph 14 of Part I of Schedule 3 shall be kept in such a form as to show, for each month, the total quantity of each kind of waste recovered during that month at that place, and details of the total quantity of each kind of waste recovered at that place during the preceding 12 months.</p> <p>(c) These records shall be sent annually to the Department with the notification required by regulation 17 and the fee referred to in regulation 18.</p>

PART III

ASSESSMENT OF BENEFIT TO AGRICULTURE OR ECOLOGICAL IMPROVEMENT

1. In assessing benefit to agriculture or ecological improvement for the purposes of [F166]paragraphs 9, 10, 11, 25 and 47A] of Part I of this Schedule, regard shall be had to the following paragraphs of this Part.

Textual Amendments

F166 Words in Sch. 2 Pt. 3 para. 1 substituted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **24(1)**

Commencement Information

I61 Sch. 2 Pt. III para. 1 in operation at 19.12.2003, see [reg. 1\(1\)](#)

2. Benefit to agriculture shall be assessed by reference to whether the [F167]spreading, treatment or deposit] will result in an improvement of the soil for the purpose of growing crops or grazing, and the following criteria shall apply for the purposes of such assessment –

(a) the addition of nitrogen, phosphorous and other plant nutrients in the waste material should take account of the soil nutrient status and other sources of nutrient supply and be matched to the needs of the planned crop rotation;

[F168](b) for exempt activities to which the [F169]Nutrient Action Programme Regulations (Northern Ireland) 2019] apply the exempt activity shall be carried out in accordance with those Regulations;]

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

- (c) the addition of materials containing lime should take account of the neutralising value of the material, the pH of the soil and the target soil pH for the crop rotation;
- (d) the addition of organic matter which improves the capacity of the soil to hold water, or its porosity, stability, tilth and workability and is a benefit;
- (e) the [^{F167}spreading, treatment or deposit] of watery wastes may be a benefit where the moisture of the soil is insufficient to support the growth of crops at the time of application, or where they contain nutrients which are applied at an appropriate rate;
- (f) the [^{F167}spreading, treatment or deposit] of waste soil may be a benefit where it is done in order to level uneven land and thereby facilitate the use of the land for agriculture, but not where it is done solely in order to raise the level of the land.

Textual Amendments

- F167** Words in Sch. 2 Pt. 3 para. 2 substituted (31.7.2006) by [The Waste Management Regulations \(Northern Ireland\) 2006 \(S.R. 2006/280\)](#), regs. 1(1), **24(2)**
- F168** Sch. 2 Pt. 3 para. 2(b) substituted (1.1.2007) by [The Nitrates Action Programme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/489\)](#), regs. 1, **29(2)(h)** (with reg. 2)
- F169** Words in Sch. 2 Pt. 3 para. 2(b) substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), regs. 1(1), **37(1)(c)**

Commencement Information

- I62** Sch. 2 Pt. 3 para. 2 in operation at 19.12.2003, see [reg. 1\(1\)](#)

3. Ecological improvement shall be assessed by reference to the extent to which wildlife habitats, which might otherwise deteriorate, are maintained or supported. The creation of a new habitat or the restoration of an old habitat shall be considered to be an improvement.

[^{F170}Table 12

(Part I, paragraph 9)

<i>Waste description and EWC Code (relating to Table 3)</i>	<i>Parameter</i>					
	<i>Neutralising value</i>	<i>Micro-biology</i>	<i>Oils and fats</i>	<i>Potential toxic elements</i>	<i>Prescribed substances*</i>	<i>Carbon / nitrogen ratio</i>
Plant tissue waste 02 01 03		X		X	X	X
Soil from cleaning and washing beet 02 04 01		X		X	X	X
Off specification compost consisting only of biodegradable waste 19 05 03		X		X	X	X
Biodegradable waste 20 02 01		X		X	X	X
Straw, wood or paper-based bedding waste,		X		X	X	

*substances listed in Schedule 6 to the 1998 Regulations.]

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

Waste description and EWC Code (relating to Table 3)	Parameter					Carbon / nitrogen ratio
	Neutralisation value	Micro-biology	Oils and fats	Potential toxic elements	Prescribed substances*	
slurry or dirty water from stables, zoos, animal parks or livestock markets 02 01 99						
Sludges from on-site effluent treatment 02 02 04		X	X	X		
Waste bark and cork 03 01 01		X		X	X	
Sawdust shavings, cuttings, wood, particle board 03 01 05		X		X	X	
Waste bark and wood 03 03 01		X		X	X	
Soil and stones 17 05 04		X		X	X	
Soil and stones (from gardens and parks including cemeteries) 20 02 02		X		X	X	
Wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve productions; yeast and yeast extract productions; molasses preparation and fermentation 02 03 01 to 02 03 05	X		X			
Wastes from sugar processing 02 04 01 to 02 04 03	X		X			
Wastes from production of dairy products 02 05 01 to 02 05 02	X		X			
Wastes from the baking and confectionary industry 02 06 01 to 02 06 03	X		X			

*substances listed in Schedule 6 to the 1998 Regulations.]

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

Waste description and EWC Code (relating to Table 3)	Parameter					
	Neutralising value	Micro-biology	Oils and fats	Potential toxic elements	Prescribed substances*	Carbon / nitrogen ratio
Wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa) 02 07 01 to 02 07 05	X		X			
De-inking sludges and de-inked paper pulp from paper recycling 03 03 05 and 03 03 99	X			X	X	X
Lime mud waste 03 03 09	X			X	X	
Wastes from calcination and hydration of lime 10 13 04	X			X	X	
Sludges, in particular from on-site effluent treatment free of chromium 04 01 07			X	X	X	
Organic matter from natural product (e.g. grease, wax) 04 02 10						X
Wastes from finishing other than those containing organic solvents 04 02 15						X
Sludges from on-site effluent treatment 04 02 20						X
Wastes from unprocessed textile fibres 04 02 21						X
Wastes from processed textile fibres 04 02 22						X
Dredging spoil 17 05 06				X	X	
Liquor from anaerobic treatment of municipal waste 10 06 03				X	X	
Digestate from anaerobic treatment of				X	X	

*substances listed in Schedule 6 to the 1998 Regulations.]

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Waste description and EWC Code (relating to Table 3)</i>	<i>Parameter</i>					
	<i>Neutralising value</i>	<i>Micro-biology</i>	<i>Oils and fats</i>	<i>Potential toxic elements</i>	<i>Prescribed substances*</i>	<i>Carbon / nitrogen ratio</i>
municipal waste 10 06 04						
Liquor from anaerobic treatment of animal and vegetable waste 19 06 05				X	X	
Digestate from anaerobic treatment of animal and vegetable waste 19 06 06				X	X	
Sludges from water clarification 19 09 02	X	X		X	X	

*substances listed in Schedule 6 to the 1998 Regulations.]

Textual Amendments

F170 Sch. 2 Pt. 3 para. 3 Table 12 substituted (30.12.2011) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/403\)](#), regs. 1(1), 5

Commencement Information

I63 Sch. 2 Pt. III para. 3 in operation at 19.12.2003, see [reg. 1\(1\)](#)

[^{F171}SCHEDULE 3

Regulations 1(3) and 21

WASTE FRAMEWORK DIRECTIVE

Textual Amendments

F171 Sch. 3 substituted (8.4.2011) by [The Waste Regulations \(Northern Ireland\) 2011 \(S.R. 2011/127\)](#), regs. 1(1), 40 (with [reg. 9\(2\)](#))

PART I

General

Interpretation of Schedule 3

1. In this Schedule, unless the context otherwise requires—

[^{F172}“available techniques” means those developed on a scale which allows implementation in the relevant industrial sector under economically and technically viable conditions taking into consideration the costs and advantages whether or not those techniques are used or produced inside the United Kingdom as long as they reasonably accessible to the operator;]

[^{F172}“best” means the most effective in achieving a high general level of protection of the environment as a whole;]

[^{F173}“best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of the particular techniques for providing the emission limit values and other permit conditions designed to prevent and where that is not practicable to reduce emissions and the impact on the environment as a whole;]

“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;

“competent authority” has the meaning given by paragraph 3;

“development” and “development plan” has the same meaning as in the Planning (Development Plans) Regulations (Northern Ireland) 1991;

“modify” includes vary, and cognate expressions shall be construed accordingly;

[^{F174}“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.]

“permit” means a waste management licence under Article 6 of the 1997 Order, a disposal licence, an authorisation under the Industrial Pollution Control Order, a permit under the 2003 Regulations, a resolution, a licence under Part II of the Food and Environment Protection Act 1985, a licence under Part 4 of the Marine and Coastal Access Act 2009 or a consent under the Water Order;

“plan-making provisions” means paragraph 5 below, Articles 19 and 23 of the 1997 Order and Parts II and III of the Planning (Northern Ireland) Order 1991;

“planning permission” has the same meaning as in Part I of the Planning (Northern Ireland) Order 1991;

“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; and “preparation for re-use” shall be construed accordingly;

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

- (a) the quantity of waste, including through the re-use of products or the extension of the life span of products;
- (b) the adverse impacts of the generated waste on the environment and human health; or
- (c) the content of [^{F175}hazardous] substances in materials and products;

“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;

“relevant objectives” has the same meaning given in paragraph 4;

“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;

“regional development strategy” means the regional development strategy referred to in Article 3 of the Strategic Planning (Northern Ireland) Order 1999;

“specified action” means any of the following—

- (a) determining—
 - (i) an application for planning permission; or
 - (ii) an appeal made under Article 32 of the Planning (Northern Ireland) Order 1991 in respect of such an application;
- (b) deciding whether to take any action under Article 71(1)(a) or (b) of the Planning (Northern Ireland) Order 1991;
- (c) deciding whether—
 - (i) in making or confirming a discontinuance order, to include in the order any grant of planning permission; or
 - (ii) to confirm (with or without modifications) a discontinuance order insofar as it grants planning permission,

and, for the purposes of this sub-paragraph, “discontinuance order” means an order under Article 39 of the Planning (Northern Ireland) Order 1991;

(d) discharging functions under Part III of the Planning (Northern Ireland) Order 1991;

[^{F172}“techniques” includes the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;]

“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;

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

“Waste Management Groups” means arc21, SWaMP 2008 and the North West Region Waste Management Group.

Textual Amendments

F172 Words in Sch. 3 Pt. 1 para. 1 inserted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(12)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F173 Words in Sch. 3 Pt. 1 para. 1 substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(12)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F174 Words in Sch. 3 Pt. 1 para. 1 substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020](#) (S.R. 2020/285), regs. 1(1), **4(4)(a)(ii)**

F175 Word in Sch. 3 Pt. 1 para. 1 substituted (18.12.2020) by The Waste (Circular Economy) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/285), regs. 1(1), **4(4)(a)(i)**

Duties of competent authorities

2.—(1) Subject to the following provisions of this paragraph, a competent authority shall discharge their specified functions, in so far as they relate to the recovery or disposal of waste, with the relevant objectives.

(2) Where the recovery or disposal of waste is or forms part of a prescribed process designated for local control under the Industrial Pollution Control Order, and requires either a waste management licence or is covered by an exemption conferred by regulation 17 and Part I of Schedule 2 to these Regulations, nothing in sub-paragraph (1) shall require a competent authority to discharge its functions under—

- (a) the Industrial Pollution Control Order so as to control pollution of the environment due to the release of substances into any environmental medium other than the air; or
- (b) Part II of the 1997 Order in order to control pollution of the environment due to the release of substances into the air resulting from the carrying on of the prescribed process.

(3) In sub-paragraph (2), “prescribed process”, “designated for local control”, “pollution of the environment due to the release of substances into the air” and “pollution of the environment due to the release of substances into any environmental medium other than the air” have the meanings which they have in Article 2 of the Industrial Pollution Control Order.

(4) In a case where the recovery or disposal of waste is or forms part of an activity carried out at a Part B or a Part C installation and requires a waste management licence, nothing in sub-paragraph (1) shall require a competent authority to discharge its functions under—

- (a) the 2003 Regulations for any purpose other than preventing or, where that is not practicable, reducing emissions into the air;
- (b) Part II of the 1997 Order for the purpose of preventing or reducing emissions into the air.

(5) In sub-paragraph (4), “Part B installation” and “Part C installation” have the meaning given by regulation 2(1) of the 2003 Regulations.

Meaning of “competent authority” etc.

3.—(1) For the purposes of this Schedule, “competent authority” means any of the persons or bodies listed in column (1) of Table 13 and, subject to sub-paragraph (2), in relation to a competent authority “specified function” means any function of that authority listed in column (2) of that Table opposite the entry for that authority.

Table 13

<i>Column 1</i>	<i>Column 2</i>
<i>Competent authorities</i>	<i>Specified functions</i>
The Department	<p>The taking of any specified action.</p> <p>Its functions under Part II of the 1997 Order in relation to waste management licences, including preparing the waste management [^{F176}plan] or any modification of that [^{F176}plan] under Article 19 of that Order and preparation of a waste prevention programme, or</p>

<i>Column 1</i>	<i>Column 2</i>
<i>Competent authorities</i>	<i>Specified functions</i>
	<p>any modification of these, under Part 3 of the Waste Regulations (Northern Ireland) 2011.</p> <p>Its functions under Part II of the Food and Environment Protection Act 1985, or under paragraph 5 of this Schedule.</p> <p>Its functions under Part 4 of the Marine and Coastal Access Act 2009.</p> <p>Its function in relation to—</p> <ul style="list-style-type: none"> (a) consents under the Water Order (offences in relation to pollution of water resources) for any discharge of waste in liquid form other than waste waters; (b) authorisations under regulation 22 (19) of the Groundwater Regulations (Northern Ireland) 2009 (discharge of a hazardous substance or non-hazardous pollutant); (c) notices under regulation 25 of the Groundwater Regulations (Northern Ireland) 2009 (prevent or control the input of hazardous substance or non-hazardous pollutant); (d) its functions under regulation 22 and Schedule 4 to these Regulations; (e) its functions under this Schedule and paragraph 13 to these Regulations; and (f) its functions under The Hazardous Waste Regulations (NI) 2005.
A district council	The preparation or modification of a plan under Article 23 of the 1997 Order.
An enforcing authority (within the meaning of regulation 2(2) of the 2003 Regulations)	Its functions in relation to permits under the 2003 Regulations except in relation to the carrying out of an exempt activity.
The Planning Appeals Commission	Its functions in relation to appeals under the 1997 Order and the 2003 Regulations.

(2) In Table 13, references to functions do not include functions of making, revoking, amending, revising or re-enacting orders, regulations or schemes where those functions are required to be discharged by regulations.

Textual Amendments

F176 Word in [Sch. 3 Pt. 1 para. 3\(1\)](#) table 13 substituted (16.1.2020) by [The Waste Regulations \(Northern Ireland\) 2019 \(S.R. 2019/240\)](#), regs. 1, **16**

Relevant objectives in relation to waste management

- 4.—(1) The following objectives are the relevant objectives in relation to waste management—
- (a) to ensure that waste is managed without endangering human health, without harming the environment, and in particular—
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours; and
 - (iii) without adversely affecting the countryside or places of special interest;
 - (b) to ensure that different types of waste are collected separately and are not mixed with other waste or other material with different properties where this is necessary to facilitate or improve recovery and where it is technically, environmentally and economically practicable, and
 - (c) to implement, so far as practicable, any plan made under the plan-making provisions.
- (2) To apply the waste hierarchy in the following priority order Article 4 of the Directive in the manner set out in paragraph (3) is a relevant objective in relation to waste prevention, preparation for re-use and management—
- (a) prevention;
 - (b) preparing for re-use;
 - (c) recycling;
 - (d) other recovery, including energy recovery;
 - [^{F177}(e)] disposal.
- (3) To apply the waste hierarchy in a way which delivers the best overall environmental outcome. The waste hierarchy may be departed from where this is justified by life-cycle thinking on the overall impact of the generation and management of such waste.
- (4) The following are relevant objectives in relation to the recovery and disposal of waste—
- (a) to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques;
 - (b) to ensure that the network referred to at paragraph (a) enables—
 - [^{F178}(i) the United Kingdom to move towards the aim of becoming self-sufficient in waste disposal and in the recovery of mixed municipal waste collected from households taking into account geographical circumstances or the need for specialised installations for certain type of wastes; and]
 - (ii) waste to be disposed of, and the mixed municipal waste collected from private households to be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and human health.
- (5) The following further objectives are relevant objectives in relation to functions under the plan-making provisions—
- (a) to encourage firstly the prevention or reduction of waste production and its harmfulness, in particular by—
 - (i) the development of clean technologies more sparing in their use of natural resources;
 - (ii) the technical development and marketing of products designed so as to make no contribution or to make the smallest possible contribution, by the nature of their

- manufacture, use or final disposal, to increasing the amount or harmfulness of waste and pollution hazards; and
- (iii) the development of appropriate techniques for the final disposal of dangerous substances contained in waste destined for recovery; and
- (b) to encourage secondly—
 - (i) the recovery of waste by means of preparing for re-use, recycling, or reclamation or any other process with a view to extracting secondary raw materials; and
 - (ii) the use of waste as a source of energy.

Textual Amendments

- F177** Sch. 3 Pt. 1 para. 4(2)(f) renumbered as para. 4(2)(e) (30.11.2013) by [The Waste \(Amendment\) Regulations \(Northern Ireland\) 2013](#) (S.R. 2013/241), regs. 1(1), **9(2)**
- F178** Sch. 3 Pt. 1 para. 4(4)(b)(i) substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(12)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Preparation of offshore waste management plan

5.—(1) Subject to sub-paragraph (2), it shall be the duty of the Department to prepare a statement (“the plan”) containing its policies in relation to the recovery or disposal of waste for the purposes of attaining the relevant objectives in those parts of United Kingdom waters and United Kingdom controlled waters for which the Department is the licensing authority.

- (2) The plan shall relate in particular to—
 - (a) the type, quantity and origin of waste to be recovered or disposed of;
 - (b) general technical requirements;
 - (c) any special arrangements for particular wastes; and
 - (d) suitable disposal sites or installations.
- (3) In exercising its offshore licensing functions the Department shall ensure—
 - (a) the waste hierarchy is applied to the generation of waste;
 - ^[F179](b) waste generated by the disposal or recovery of waste is treated in accordance with the waste hierarchy;
 - (c) waste management is carried out without endangering health, without harming the environment and in particular—
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours; and
 - (iii) without adversely affecting the countryside or places of interest;
 - (d) waste management is carried out under licences granted for a specified period, which may be renewable;
 - (e) where mixing of hazardous waste is allowed under a licence the adverse impact of the waste management is not increased and the mixing operation conforms to best available techniques;
 - (f) where it considers that the intended method of treatment is unacceptable from the point of view of environmental protection, in particular where paragraph (c) is not complied with a licence shall be refused;

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

- (g) it is a condition of any permit issued under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 covering incineration or co-incineration with energy recovery that the recovery of energy takes place with a high level of efficiency;
 - (h) any establishment or undertaking intending to carry out waste treatment, producers of hazardous waste and establishments which collect or transport hazardous waste on a professional basis or act as dealers or brokers of hazardous waste keep a chronological record of—
 - (i) the quantity, nature and origin of that waste and the quantity of products and materials resulting from preparing for re-use, recycling or recovery operations; and
 - (ii) where relevant, the destination, frequency of collection, mode of transport and treatment method foreseen in respect of waste;
 - (i) the persons mentioned in paragraph (h) make that data available in such manner and form it may specify.]
- (4) The Department shall make copies of the plan available to the public on payment of reasonable charges.
- (5) In this paragraph—
- (a) “offshore licensing functions” means functions under Part 2 of the Food and Environment Protection Act 1985 and functions under Part 4 of the Marine and Coastal Access Act 2009; and
 - (b) “United Kingdom controlled waters” has the meaning given by section 24(1) of the Food and Environment Protection Act 1985.

Textual Amendments

F179 Sch. 3 Pt. 1 para. 5(3)(b)-(h) substituted for Sch. 3 Pt. 1 para 5(3)(b)-(e) (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, [Sch. 1 para. 3\(12\)\(d\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Matters to be covered by permits

6. When the Department or a district council grants or modifies a permit, and the activities authorised by the permit include the treatment of waste, it shall ensure that the permit covers—

- (a) the types and quantities of waste to be treated;
- (b) for each type of operation permitted, the technical and any other requirements relevant to the site concerned;
- (c) the safety and precautionary measures to be taken;
- (d) the treatment site;
- (e) such monitoring and control operations as may be necessary;
- (f) such closure and after-care provisions as may be necessary; and
- (g) the treatment method to be used for each type of operation.

Modifications of provisions relating to development plans and regional development strategy

7. The Department for Regional Development shall have regard to ^[F180]waste hierarchy, protection of human health and the environment and principles of self-sufficiency and proximity] in formulating a regional development strategy under Article 3 of the Strategic Planning (Northern Ireland) Order 1999.

Textual Amendments

F180 Words in Sch. 3 Pt. 1 para. 7 substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(12)(e)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Modifications of the Industrial Pollution Control (Northern Ireland) Order 1997

8.—(1) Subject to Article 28(1) of the Industrial Pollution Control Order, that Order shall have effect in relation to prescribed processes involving the disposal or recovery of waste with such modifications as are needed to allow an enforcing authority to exercise its functions under that Order for the purpose of achieving the relevant objectives.

(2) Nothing in sub-paragraph (1) requires an enforcing authority in granting an authorisation in relation to such a process to take account of the relevant objectives insofar as they relate to the prevention of detriment to the amenities of the locality in which the process is (or is to be) carried on if planning permission, resulting from the taking of a specified action by an enforcing authority after 18th December 2003, is or, before the process is carried on, will be in force.

Modifications of Part II of the Waste and Contaminated Land (Northern Ireland) Order 1997

9.—(1) Part II of the 1997 Order shall have effect subject to the following modifications.

(2) In Articles 4(1) and 6 any reference to the deposit, treatment, keeping or disposal of controlled waste shall include a reference to any operation listed in Part II or III of this Schedule.

(3) Article 4(2) shall be amended as follows—

- (a) for “Paragraph (1)” there shall be substituted “Paragraph (1)(a) or (b)”; and
- (b) at the end there shall be inserted the words “except in the case of the treatment, keeping or disposal of household waste by an establishment or undertaking”.

(4) In Article 8(4), the reference to planning permission shall be taken to be a reference to planning permission resulting from the taking of a specified action by the Department.

(5) In Article 30(1), any reference to the treatment, keeping or disposal of such waste as is referred to in that paragraph shall include a reference to submitting such waste to any of the operations listed in Part II or III of this Schedule.

(6) In Article 30(2) any reference to the treatment, keeping or disposal of hazardous waste shall include a reference to submitting hazardous waste to any of the operations listed in Part II or III of this Schedule.

Modifications of Part II of the Pollution Control and Local Government (Northern Ireland) Order 1978

10. Part II of the Pollution Control and Local Government (Northern Ireland) Order 1978 shall have effect as if any reference in that Part to waste included a reference to “waste” as defined in the Waste and Contaminated Land (NI) Order 1997.

References to “waste” in planning and water legislation

11. In the Planning (Northern Ireland) Order 1991 and the Water Order, any reference to “waste” shall include a reference to Directive waste.

Registration by professional collectors and transporters of waste, and by dealers and brokers

12.—(1) Subject to sub-paragraph (3), it shall be an offence for an establishment or undertaking falling within regulation 2 of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999; to collect or transport waste [^{F181}on a professional basis] unless it is registered with the Department in accordance with the provisions of this paragraph.

(2) Subject to sub-paragraph (3), it shall be an offence for an establishment or undertaking falling within sub-paragraph (a), (b) or (c)(i)-(v) of regulation 22(4) to arrange for the recovery or disposal of waste on behalf of another person unless it is registered in accordance with the provisions of this paragraph.

(3) Sub-paragraphs (1) and (2) do not apply in cases where the establishment or undertaking is carrying on the activities therein mentioned pursuant to, and in accordance with the terms and conditions of, a permit.

(4) An establishment or undertaking that operates within Northern Ireland shall register with the Department whether or not it has its place of business in Northern Ireland.

(5) The Department shall establish and maintain a register of establishments and undertakings registering with it under the provisions of this paragraph.

(6) The register shall contain the following particulars in relation to each such establishment or undertaking—

- (a) the name of the establishment or undertaking;
- (b) the address of its principal place of business; and
- (c) the address of any place at or from which it carries on its business.

(7) The Department shall enter the relevant particulars in the register in relation to an establishment or undertaking if it receives notice of them in writing from that establishment or undertaking.

(8) A person guilty of an offence under sub-paragraph (1) or (2) shall be liable on summary conviction to a fine not exceeding the statutory maximum.

(9) The Department shall—

- (a) secure that any register maintained by it under this paragraph is open to inspection by members of the public free of charge at all reasonable hours; and
- (b) shall afford to members of the public reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in the register.

(10) Registers under this paragraph may be kept in any form.

^{F182}(11)

Textual Amendments

F181 Words in Sch. 3 Pt. 1 para. 12(1) inserted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(12)(f)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**

F182 Sch. 3 Pt. 1 para. 12(11) omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(12)(f)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Duty to carry out appropriate periodic inspections

- 13.—(1) Subject to sub-paragraphs (4) and (5), any establishment or undertaking
- (a) which carries out the recovery or disposal of controlled waste; or
 - (b) which collects or transports controlled waste; or
 - (c) which arranges for the recovery or disposal of controlled waste on behalf of others (dealers or brokers), ^{F183} ...
 - (d) producers of hazardous waste [^{F184}, and]

[^{F185}(e) which handles end-of-life vehicles (whether or not such vehicles have been de-polluted).]

shall be subject to appropriate periodic inspections by the competent authorities.

^{F186}(2)

(3) Article 44(1) and (2) of the 1997 Order (power to obtain information) shall have effect as if the provisions of this paragraph were provisions of Part II of that Order and as if, in those Articles, references to the Department or a district council were references to a competent authority.

(4) Subject to sub-paragraph (4A) and (5), in the case of the exempt activities referred to in the first column of Table 14, the duty under sub-paragraph (1) shall be discharged by carrying out inspections set out in the second column of that table in respect of any place where the relevant exempted activity is carried on.

(4A) In respect of establishments and undertakings carrying out exempt activities set out in paragraphs 49, 50 and 51, periodic inspections in accordance with sub-paragraph (1) shall verify the type and quantities of waste to be treated, the general technical requirements to be complied with and the safety precautions to be taken.

Table 14

<i>Relevant exempt activity⁽¹⁾</i>	<i>Inspections required</i>
9, 10	An inspection shall be carried out at the time of treatment or, where that is not possible, not later than 4 weeks thereafter.
11, 13, 19, 45, 46	An initial inspection shall be carried out at the time when the exempt activity commences. Thereafter, periodic inspections shall be carried out at intervals not exceeding 12 months.
47, 49, 50 and 51	An initial inspection shall be carried out within two months of the receipt by the Department of the notification under Regulation 18(7). Thereafter, periodic inspections shall be carried out at intervals not exceeding 12 months.

(1) numbered by reference to the corresponding paragraph of Part I of Schedule 2

Textual Amendments

F183 Word in Sch. 3 Pt. 1 para. 13(1) omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, [Sch. 1 para. 3\(12\)\(g\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)

- F184** Word in Sch. 3 Pt. 1 para. 13(1)(d) substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(12)(g)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F185** Sch. 3 Pt. 1 para. 13(1)(e) inserted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(12)(g)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F186** Sch. 3 Pt. 1 para. 13(2) omitted (31.12.2020) by virtue of The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(12)(g)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)

Record keeping

14.—^[F187](1) Subject to any requirements to keep records under regulation 19 and sub-paragraph (2), an establishment or undertaking which carries out the disposal or recovery of controlled waste shall—

- (a) if the operation does not involve the treatment of hazardous waste—
 - (i) keep a chronological record for a period of 2 years of the quantity, nature, origin and, where relevant, the destination, frequency of collection, mode of transport and treatment method of any waste which is disposed of or recovered; and
 - (ii) make that information available, on request, to the competent authority.
- (b) if the operation involves the treatment of hazardous waste—
 - (i) keep a chronological record for a period of 3 years of the quantity, nature, origin of the waste and the quantity of products and materials resulting from preparing for re-use, recycling or other recovery operations and, where relevant, the destination, frequency of collection, mode of transport and treatment method of any waste which is disposed of or recovered;
 - (ii) during that period, provide those records to the competent authority in such form and manner as the competent authority specifies; and
 - (iii) make that information available, on request, to a previous holder; and for this purpose “holder”, in respect of any such waste, means the producer or the person in possession of it.]

(2) Where hazardous waste is recovered or disposed of by an establishment or undertaking, it shall keep a record of the carrying out and supervision of the relevant operation and, in the case of a disposal operation, of the after-care of the disposal site.

(3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply where the disposal or recovery of the waste is covered by an exemption, conferred by—

- (a) regulation 17(1) and Part I of Schedule 2;
- (b) Article 3 of the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995; or
- (c) an exemption for a licence under Part 4 of the Marine and Coastal Access Act 2009.

(4) Sub-paragraph (1) does apply to an activity subject to an exemption conferred by regulation 17(1) and paragraphs 9, 10, 11, 13, 19, 45, ^[F188]46, 47A or 49] of Part I of Schedule 2.

(5) Subject to sub-paragraph (6), it shall be an offence for an establishment or undertaking to fail to comply with any of the foregoing provisions of this paragraph insofar as that provision imposes any requirement or obligation upon it.

(6) Paragraph (2) of regulation 43 of the Hazardous Waste Regulations (Northern Ireland) 2005 (defence in cases of emergency, etc.) shall apply to a person charged with an offence under sub-paragraph (5) as it applies to a person charged with an offence under paragraph (1) of that regulation.

(7) A person who, in purported compliance with a requirement to furnish any information imposed by or under any of the provisions of this paragraph, makes a statement which that person knows to be false or misleading in a material particular, or recklessly makes any statement which is false or misleading in a material particular, commits an offence.

(8) A person who intentionally makes a false entry in any record required to be kept by virtue of any of the provisions of this paragraph commits an offence.

(9) Regulation 43(6) of the Hazardous Waste Regulations (Northern Ireland) 2005 (Offence where act or default causes offence by another) shall apply to an offence under this paragraph as it applies to an offence under that regulation

(10) Subject to sub-paragraph (11), a person guilty of an offence under this paragraph shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction or indictment to a fine or to imprisonment for a term not exceeding two years or both.

(11) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale if that offence is related to exempt activities conferred by regulation 17(1) and paragraphs 9, 10, 11, 13, 19, 46, or 47A of Part I of Schedule 2.

Textual Amendments

F187 Sch. 3 Pt. 1 para. 14(1) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **4(4)(b)(i)**

F188 Words in Sch. 3 Pt. 1 para. 14(4) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **4(4)(b)(ii)**

PART II

WASTE DISPOSAL OPERATIONS

N.B. This Part of this Schedule is intended to list disposal operations such as they occur in practice. ^[F189]All waste must be disposed of without endangering human health and without harming the environment.

<i>*Operation Code</i>	<i>Description</i>
D1	Deposit into or onto land (e.g. landfill etc.).
D2	Land treatment (e.g. biodegradation of liquid or sludge discards in soils, etc.).
D3	Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.).
D4	Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.).
D5	Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.).
D6	Release into a water body except seas/oceans.

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>*Operation Code</i>	<i>Description</i>
D7	Release to seas/oceans including sea-bed insertion.
D8	Biological treatment not specified elsewhere in this Part of this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12.
D9	Physico-chemical treatment not specified elsewhere in this Part of this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 (e.g. evaporation, drying, calcination, etc.).
D10	Incineration on land.
D11	Incineration at sea.* *This operation is prohibited by [^{F190} [^{F191} assimilated] law] and international conventions.
D12	Permanent storage (e.g. emplacement of containers in a mine, etc.).
D13	Blending or mixing prior to submission to any of the operations numbered D1 to D12 * *If there is no other D code appropriate, this can include preliminary operations prior to disposal, including pre-processing such as sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12.
D14	Repackaging prior to submission to any of the operations numbered D1 to D13.
D15	Storage pending any of the operations numbered D1 to D14, (excluding temporary storage, pending collection, on the site where the waste is produced.* * Temporary storage means preliminary storage according to point (10) of Article 3

Textual Amendments

F189 Word in Sch. 3 Pt. 2 substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(13)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F190 Words in Sch. 3 Pt. 2 substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 3(13)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F191 Word in Sch. 3 Pt.2 substituted (27.2.2025) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) Regulations 2025 (S.I. 2025/82), reg. 1(2), **Sch. 10 para. 2(d)**

PART III

WASTE RECOVERY OPERATIONS

NB. This part of this Schedule is intended to list recovery operations as they occur in practice. ^[F192]All waste must be recovered without endangering human health and without harming the environment.

<i>*Operation Code</i>	<i>Description</i>
R1	^[F193] Use principally as a fuel or other means to generate energy. This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or greater than (i) 0.60 for installations in operation and permitted in accordance with applicable Community legislation before 1st January 2009; or (ii) 0.65 for other installations. Energy efficiency is calculated according to the formula contained in Annex II of the ^[F194] Directive.]
R2	Solvent reclamation/regeneration.
R3	Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes).* * This includes gasification and pyrolysis using the components as chemicals.
R4	Recycling/reclamation of metals and metal compounds.
R5	Recycling/reclamation of other inorganic materials.* * This includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.
R6	Regeneration of acids or bases.
R7	Recovery of components used for pollution abatement.
R8	Recovery of components from catalysts.
R9	Oil re-refining or other reuses of oil.
R10	Land treatment resulting in benefit to agriculture or ecological improvement.
R11	Use of waste obtained from any of the operations numbered R1 to R10.
R12	Exchange of wastes for submission to any of the operations numbered R1 to R11* If there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as dismantling, sorting, crushing, compacting, pelletising, drying, shredding,

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>*Operation Code</i>	<i>Description</i>
	conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11.
R13	Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where the waste is produced.* *Temporary storage means preliminary storage according to point (10) of Article 3.

Textual Amendments

F192 Word in Sch. 3 Pt. 3 substituted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, Sch. 1 para. 3(14) (as substituted by S.R. 2020/284, regs. 1(1), 3(4)(a)); 2020 c. 1, Sch. 5 para. 1(1)

F193 Words in Sch. 3 Pt. 3 Table substituted (15.7.2016) by The Waste (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/95), regs. 1(1), 3(3)

F194 Words in Sch. 3 Pt. 3 Table substituted (18.12.2020) by The Waste (Circular Economy) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/285), regs. 1(1), 4(4)(c)

PART IV

Duties of planning authorities

Interpretation of this Part

1. In this Part—

“the 1991 Order” means the Planning (Northern Ireland) Order 1991;

“the 2006 Order” means the Planning (Inquiry Procedures) Rules (Northern Ireland) Order 2006;

“planning permission” has the meaning given in Article 2 of the 1991 Order.

Meaning of planning authority

2. In this Part, “planning authority” means—

(a) the Department;

(b) the Department for Regional Development, in relation to the Strategic Planning (Northern Ireland) Order 1999;

(c) the Planning Appeals Commission, in respect of its functions under [F195]the Planning Act (Northern Ireland) 2011; and]

[F196(d) a district council.]

Textual Amendments

- F195** Words in Sch. 3 Pt. 4 para. 2(c) substituted (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 1 para. 5(a)**
- F196** Sch. 3 Pt. 4 para. 2(d) inserted (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 1 para. 5(b)**

Meaning of planning functions

3.—(1) In this Part, “planning functions” means any of the following functions other than a function which must be discharged by statutory instrument—

- (a) determining—
 - (i) an application for planning permission under Article 25 of the 1991 Order; or
 - (ii) an appeal made under Article 32 of the 1991 Order in relation to the determination of such an application;
 - (iii) an appeal made under Article 33 of the 1991 Order in relation to an appeal in default of planning decision;
- (b) deciding whether to take action under Article 71(1)(a) or (b) or Article 95 of the 1991 Order;
- (c) deciding whether—
 - (i) in making or confirming a discontinuance order, to include in the order any grant of planning permission; or
 - (ii) to confirm (with or without modifications) a discontinuance order insofar as it grants planning permission;
- (d) discharging functions under Part 3 of the 1991 Order, or the Strategic Planning (Northern Ireland) Order 1999;

(2) In paragraph (1)(c), “discontinuance order” means an order under section 39 of the 1991 Order.

Exercise of planning functions

4. The planning authority shall have regard to the following provisions of ^{F197}Part I] when exercising its planning functions to the extent that those functions relate to waste management—

- ^{F198}(a) paragraph 4(4)(b)(i); and
- (b) paragraph 5(3)(c).]

Textual Amendments

- F197** Words in Sch. 3 Pt. 4 para. 4 substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(15)(a)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F198** Sch. 3 Pt. 4 para. 4(a)(b) substituted for sch. 3 Pt. 4 para. 4(a)-(c) (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(15)(a)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Further duties in relation to planning permission

5.—^{F199}(1) The planning authority shall not grant planning permission for a landfill unless it has taken into consideration the requirements set out in paragraph (1A)]

^{F200}(1A) The location of the landfill must take into consideration requirements relating to—

- (a) the distances from the boundary of the site to residential and recreation areas, waterways, water bodies and other agricultural or urban sites;
- (b) the existence of groundwater, coastal water or nature protection zones in the area;
- (c) the geological and hydrogeological conditions in the area;
- (d) the risk of flooding, subsidence, landslides or avalanches on the site; and
- (e) the protection of the nature or cultural patrimony of the site.]

(2) The Department shall not grant planning permission for a mining waste facility ^{F201}... unless it is satisfied that—

- (a) the operator of that facility shall meet the requirements of ^{F202}set out in sub-paragraph (2A)]; and
- (b) the management of waste at that facility shall not conflict directly or otherwise interfere with ^{F203}objectives referred to in paragraph 4 of Part 1].

^{F204}(2A) These requirements are that the waste facility is suitably located taking into account particular ^{F205}assimilated] law or national obligations relating to protected areas and geological, hydrological, hydrogeological, seismic and geotechnical factors and is designed to meet the necessary conditions for the short and long term perspectives, preventing pollution of the soil, air, groundwater or surface water and ensuring efficient collection of contaminated water and leachate as and when required under the permission and reducing erosion caused by water or wind as far as is technically possible and economically viable.]

(3) In this regulation—

^{F206}“landfill” means a waste disposal site for the deposit of waste on to or into land (including underground) including a site falling within paragraph (a) or (b) but not (c)—

- (a) internal waste disposal sites (i.e. landfill where a producer of waste is carrying out its own waste disposal at the place of production); and
- (b) a permanent site (i.e. more than one year) which is used for temporary storage of waste but excluding—
 - (i) facilities where waste is unloaded in order to permit its preparation for further transport for recovery, treatment or disposal elsewhere;
 - (ii) storage of waste prior to recovery or treatment less than three years as a general rule; or
 - (iii) storage of waste prior to disposal for a period of less than one year;
- (c) the following operations do not fall within paragraph (a) or (b)—
 - (i) the spreading of sludges, including sewage sludges and sludges resulting from dredging operations and similar matter on the soil for the purpose of fertilisation or improvement;
 - (ii) the use of inert waste which is suitable, in redevelopment/restoration and filling-in work for construction purposes in landfills;
 - (iii) the deposit of non-hazardous dredging sludges alongside small waterways from where they have been dredged out of and non-hazardous sludges in surface water including the bed or its subsoil; and

- (iv) the deposit of unpolluted soil or of non-hazardous waste resulting from prospecting and extraction, treatment and storage of mineral resources as well as from the operation of quarries.]

[^{F207}“mining waste facility” means any area designated for the accumulation or deposit of extractive waste whether in a solid or liquid state or in solution or suspension for the following periods—

- (a) no time period for Category A waste facilities and facilities for waste characterised as hazardous in the waste management plan;
- (b) a period of more than one year for facilities for non-hazardous non-inert waste; or
- (c) a period of more than three years for facilities for unpolluted soil, non-hazardous prospecting waste, waste resulting from the extraction, treatment or storage of peat and inert waste;

“waste facility” is deemed to include any dam or other structure to contain, retain or confine or otherwise support such a facility and also to include, but not be limited to heaps and ponds, but excluding excavation voids into which waste is replaced after extraction of the mineral for rehabilitation and construction purposes, but does not include any facility—

- (a) closed by 1 May 2008; or
- (b) which stopped accepting waste before 1 May 2006.]]

Textual Amendments

- F199** Sch. 3 Pt. 4 para. 5(1) substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(15)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F200** Sch. 3 Pt. 4 para. 5(1A) inserted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(15)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F201** Words in Sch. 3 Pt. 4 para. 5(2) omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(15)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F202** Words in Sch. 3 Pt. 4 para. 5(2)(a) substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(15)(b)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F203** Words in Sch. 3 Pt. 4 para. 5(2)(b) substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(15)(b)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F204** Sch. 3 Pt. 4 para. 5(2A) inserted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(15)(b)(vi)**; 2020 c. 1, Sch. 5 para. 1(1)
- F205** Word in Sch. 3 Pt. 4 para. 5(2A) substituted (27.2.2025) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) Regulations 2025 \(S.I. 2025/82\)](#), reg. 1(2), **Sch. 10 para. 2(e)**
- F206** Words in Sch. 3 Pt. 4 para. 5(3) substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(15)(b)(vii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F207** Words in Sch. 3 Pt. 4 para. 5(3) substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 1 para. 3(15)(b)(vii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F208}SCHEDULE 4

Regulation 22(7)

REGISTRATION OF BROKERS AND DEALERS OF CONTROLLED WASTE

Textual Amendments

F208 Sch. 4 substituted (8.4.2011) by [The Waste Regulations \(Northern Ireland\) 2011 \(S.R. 2011/127\)](#), regs. 1(1), **41** (with [reg. 9\(2\)](#))

Interpretation of Schedule 4

1.—(1) In this Schedule—

“applicant” means a person who is applying for registration or for renewal of registration as a registered broker or dealer and “application” shall have like meaning;

“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;

“carrier” means a person registered as a carrier of controlled waste under Regulation 6 [^{F209}of] the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999;

“date of expiry”, in relation to a broker’s or dealer’s registration—

- (a) in a case to which sub-paragraph (2) or (3) of paragraph 7 applies, has the meaning given by that sub-paragraph; and
- (b) in any other case means the date on which the period of three years mentioned in paragraph 7(1) expires;

“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;

“notice” means notice in writing;

“register” means the register of registered brokers or dealers to be maintained by the Department under paragraph 2;

“registered broker” means a person registered as a broker under regulation 22 and this Schedule;

“registered dealer” means a person registered as a dealer under regulation 22 and this schedule;

“relevant offence” means an offence under any of the enactments listed in regulation 2;

“relevant period” means two months or, except in the case of an application for the renewal of that registration by a person who is already registered, such longer period as may be agreed between the applicant and the Department;

“relevant person” means—

- (a) any person who has been convicted of a relevant offence committed by that person in the course of that person’s employment by the applicant or registered broker or dealer or in the course of the carrying on of any business by a partnership one of the members of which was the applicant or registered broker or dealer;
- (b) a body corporate which has been convicted of a relevant offence committed at a time when the applicant or registered broker or dealer was a director, manager, secretary or other similar officer of that body corporate; or

- (c) where the applicant or registered broker or dealer is a body corporate, a person who is a director, manager, secretary or other similar officer of that body corporate and who—
 - (i) has been convicted of a relevant offence; or
 - (ii) was a director, manager, secretary or other similar officer of another body corporate at a time when the relevant offence for which that body corporate has been convicted was committed.
- (2) For the purposes of this Schedule, an application for registration or for the renewal of a registration as a broker of or dealer in controlled waste shall be treated as pending—
- (a) whilst it is being considered by the Department; or
 - (b) if it has been refused or the relevant period from the making of the application has expired without the applicant having been registered, whilst either—
 - (i) the period for appealing in relation to that application has not expired; or
 - (ii) the application is the subject of an appeal which has not been disposed of.
- (3) For the purposes of this Schedule, an appeal is disposed of when any of the following occurs—
- (a) the appeal is withdrawn; or
 - (b) a determination is issued to the Department by the Planning Appeals Commission in respect of the appeal.

Textual Amendments

F209 Word in Sch. 4 para. 1(1) inserted (30.11.2013) by [The Waste \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/241\)](#), regs. 1(1), **9(3)**

Registers

- 2.—(1) It shall be the duty of the Department to establish and maintain a register of brokers and dealers and—
- (a) to secure that the register is open for inspection by members of the public free of charge at all reasonable hours; and
 - (b) to afford to members of the public reasonable facilities for obtaining copies of entries in the register on payment of reasonable charges.
- (2) The register may be kept in any form.

Applications for registration

- 3.—(1) An application for registration as a broker of or dealer shall be made to the Department.
- (2) Subject to sub-paragraphs (3) to (5), a person shall not make an application for registration or for the renewal of a registration whilst—
- (a) a previous application made by that person is pending; or
 - (b) that person is registered.
- (3) Sub-paragraph (2) shall not prevent a person from applying for the renewal of a registration where that person's application is made within the period of six months specified in paragraph 7(5).
- (4) An application for registration or for the renewal of a registration in respect of a business which is or is to be carried on by a partnership shall be made by all of the partners or prospective partners.

(5) A prospective partner in a business carried on by a partnership whose members are already registered with the Department may make an application to the Department for registration as a partner in that business.

(6) An application for registration or for the renewal of a registration shall be made to the Department on a form provided by it for that purpose, and shall be accompanied by such information as the Department reasonably requires.

(7) Where an applicant wishes to apply to be registered both as a carrier and as a broker of or dealer in controlled waste, they may make a combined application on a form provided by the Department for that purpose.

(8) Where an applicant who wishes to apply both for the renewal of their registration as a carrier of controlled waste and for the renewal of their registration as a broker of or dealer in controlled waste, they may make a combined application on a form provided by the Department for that purpose.

(9) The Department shall provide a copy of the appropriate application form free of charge to any person requesting one.

(10) The Department shall charge an applicant in respect of its consideration of his application—

- (a) subject to sub-paragraph (c), in the case of either an application for registration as a broker or dealer or a combined application for registration as both a carrier and broker or dealer, [^{F210}£191];
- (b) in the case of either an application for the renewal of a registration as a broker or dealer or a combined application for renewal of registration both as a carrier and as a broker or dealer, [^{F211}£96];
- (c) in the case of an application by a registered carrier for registration as a broker or dealer, [^{F212}£49],

and the applicant shall pay the charge upon making the application.

(11) The Department shall, on receipt of an application for registration or for the renewal of a registration, ensure that the register contains a copy of the application.

(12) The Department may refuse an application for registration or for the renewal of registration if—

- (a) there has, in relation to that application, been a contravention of any of the requirements of the preceding provisions of this paragraph; or
- (b) the applicant or another relevant person has been convicted of a relevant offence and, in the opinion of the Department, it is undesirable for the applicant to be authorised to arrange for the disposal or recovery of controlled waste on behalf of other persons, or to purchase and sell controlled waste registered as a broker or dealer; or
- (c) in the opinion of the Department it is otherwise undesirable for the applicant to be registered as a broker or dealer.

(13) Where the Department decides to refuse an application for registration or for the renewal of a registration, it shall inform the applicant in writing that the application is refused and shall give the applicant the reasons for its decision.

(14) If an appeal is made under and in accordance with paragraph 6, the Department shall, as soon as reasonably practicable, make appropriate entries in the register indicating when the appeal was made and the result of the appeal.

(15) If no such appeal is made, the Department shall, as soon as reasonably practicable, make an appropriate entry in the register indicating that the application has been refused and that no appeal has been made.

(16) The Department may remove from the register—

- (a) a copy of an application entered on the register under sub-paragraph (11); or
- (b) an entry made under sub-paragraph (14) or (15),

at any time more than six years after the entry in question was put on the register.

(17) On deciding to register an applicant or on the issue to the Department of a determination by the Planning Appeals Commission under paragraph 6(9) that an appeal should be allowed, the Department shall—

- (a) issue to the applicant a certificate of registration free of charge; and
- (b) provide the applicant free of charge with a copy of the entry in the register.

Textual Amendments

- F210** Sum in Sch. 4 para. 3(10)(a) substituted (19.1.2026) by [The Waste \(Fees and Charges\) \(Amendment\) Regulations \(Northern Ireland\) 2026 \(S.R. 2026/8\)](#), regs. 1(1), **3(2)(a)**
- F211** Sum in Sch. 4 para. 3(10)(b) substituted (19.1.2026) by [The Waste \(Fees and Charges\) \(Amendment\) Regulations \(Northern Ireland\) 2026 \(S.R. 2026/8\)](#), regs. 1(1), **3(2)(b)**
- F212** Sum in Sch. 4 para. 3(10)(c) substituted (19.1.2026) by [The Waste \(Fees and Charges\) \(Amendment\) Regulations \(Northern Ireland\) 2026 \(S.R. 2026/8\)](#), regs. 1(1), **3(2)(c)**

Registration as a broker or dealer and amendment of entries

4.—(1) On deciding to register an applicant or on the issue to the Department of a determination by the Planning Appeals Commission under paragraph 6(9) that an appeal should be allowed, the Department shall make an entry in its register—

- (a) showing that person as a registered broker of or dealer in controlled waste and allocating that person a registration number (which may include any letter);
- (b) specifying the date on which the registration takes effect and its date of expiry;
- (c) stating any business name of the applicant and the address of the applicant's principal place of business (together with any telephone, telex or fax number and email address of the applicant) and, in the case of an individual, the applicant's date of birth;
- (d) in the case of a body corporate, listing the names of each director, manager, secretary or other similar officer of that body and their respective dates of birth;
- (e) in the case of a company registered under the Companies Orders, specifying its registered number and, in the case of a company incorporated outside Northern Ireland, the country in which it was incorporated and its registration number there (if any);
- (f) in a case where the person who is registered or another relevant person has been convicted of a relevant offence, giving the person's name, details of the offence, the date of conviction, the penalty imposed, the name of the Court and, in the case of an individual, the person's date of birth; and
- (g) in a case where the person who is registered, or any company in the same group of companies as that person, is the holder of a waste management licence, stating the name of the holder of the licence.

(2) In the case of a business which is being, or is to be carried on by a partnership, all the partners shall be registered under one entry and only one registration number shall be allocated to the partnership.

(3) On making an entry in its register under sub-paragraph (1) the Department shall provide the registered person or partnership free of charge with a copy of the entry in the register.

(4) On deciding to renew any registration or on the issue to the Department by the Planning Appeals Commission of any determination under paragraph 6(9) in respect of such an application, the Department shall amend the relevant entry in the register—

- (a) to show the date on which the renewal takes effect and the revised date of expiry of the registration;
- (b) to record any other change required as a result of the application or the appeal; and
- (c) to note in the register the date on which the amendments are made.

(5) The Department shall, at the same time as amending the register under sub-paragraph (4), provide the registered person or partnership free of charge with a copy of the amended entry in the register.

(6) A person who is registered shall notify the Department of any change of circumstances affecting information in the register relating to that person.

(7) On—

- (a) being notified of any change of circumstances in accordance with sub-paragraph (6);
- (b) deciding to register a new partner in a registered partnership on an application by such person for registration in the entry in the register relating to that partnership; or
- (c) the issue by the Planning Appeals Commission of a determination under paragraph 6(9) allowing an appeal for the registration of such new partner,

the Department shall—

- (i) amend the relevant entry to reflect the change of circumstances or the registration of the new partner;
- (ii) note in the register the date on which the amendment is made;
- (iii) provide the registered person or partnership free of charge with a copy of the amended entry in the register.

(8) In this paragraph—

“Companies Orders” has the meaning given by Article 2 of the Companies (Northern Ireland) Order 1986;

“business name” means a name under which a person carries on business and by virtue of which Article 2(3) of the Business Names (Northern Ireland) Order 1986 applies; and

“group” has the meaning given by Article 55(1) of the Companies (Northern Ireland) Order 1990.

Revocation of registration

5.—(1) The Department may revoke a person’s registration as a broker of or dealer in controlled waste if,—

- (a) that person or another relevant person has been convicted of a relevant offence; and
- (b) in the opinion of the Department, it is otherwise undesirable for the registered broker or dealer to continue to be a registered broker or dealer; or
- (c) in the opinion of the Department it is otherwise undesirable for the registered broker or dealer to continue to be a registered broker or dealer.

(2) Where the Department decides to revoke a person’s registration as a broker of or dealer in controlled waste, it shall give written notice to the broker or dealer informing that person of the revocation and the reasons for its decision.

Appeals

6.—(1) Where a person has applied to the Department to be registered as a broker of or dealer in controlled waste in accordance with paragraph 3, that person may appeal to the Planning Appeals Commission if—

- (a) the application is refused; or
- (b) the relevant period from the making of the application has expired without the applicant having been registered.

(2) A person whose registration as a broker of or dealer in controlled waste has been revoked may appeal against the revocation to the Planning Appeals Commission.

(3) Notice of an appeal to the Planning Appeals Commission under sub-paragraph (1) or (2) shall be given by the appellant to the Planning Appeals Commission within the period specified in sub-paragraph (7).

(4) If either party to the appeal so requests, the Planning Appeals Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.

(5) The notice of appeal shall be accompanied by the following—

- (a) a statement of the grounds of appeal;
- (b) in the case of an appeal under sub-paragraph (1), a copy of the relevant application;
- (c) in the case of an appeal under sub-paragraph (2), a copy of the appellant's entry in the register;
- (d) a copy of any relevant correspondence between the appellant and the Department;
- (e) a copy of any notice given to the appellant under paragraph 3(14) or 5(2);
- (f) a statement indicating whether the appellant requests the opportunity of appearing before and being heard by the Planning Appeals Commission.

(6) The appellant shall at the same time as giving notice of appeal to the Planning Appeals Commission serve on the Department a copy of the notice and a copy of the documents referred to in sub-paragraph (5)(a) to (f).

(7) Notice of appeal shall be given before the expiry of the period of 28 days beginning with—

- (a) in the case of an appeal under sub-paragraph (1)(a), the date on which the Department serves written notice on the applicant that their application has been refused;
- (b) in the case of an appeal under sub-paragraph (1)(b), the date on which the relevant period from the making of the application expired without the applicant having been registered; or
- (c) in the case of an appeal under sub-paragraph (2), the date on which the Department serves written notice on the registered broker of or dealer in controlled waste that the registration as a broker of or dealer in has been revoked,

or before such later date as the Planning Appeals Commission may at any time allow.

(8) The Planning Appeals Commission shall determine the appeal and Article 111 of the Planning (Northern Ireland) Order 1991 shall apply in relation to the determination of the appeal as it applies in relation to the determination of an appeal under that Order.

(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.

Duration of registration

7.—(1) Subject to the following provisions of this paragraph, a person's registration as a broker of or dealer in controlled waste shall cease to have effect on the expiry of the period of three years beginning with the date of the registration or the date of any renewal.

(2) Where—

- (a) a registered carrier of controlled waste is registered as a broker of or dealer in controlled waste otherwise than by way of renewal of an existing registration as a broker or dealer; and
- (b) that person's registration as a carrier will expire within three years of the date of their registration as a broker or dealer,

if at the time of making the application for registration as a broker or dealer that person so requests, their registration as a broker or dealer shall expire on the same date as the date of expiry of their registration as a carrier.

(3) Where—

- (a) a registered broker of or dealer in controlled waste is registered as a carrier of controlled waste otherwise than by way of renewal of an existing registration as a carrier; and
- (b) that person's registration as a broker or dealer will expire within three years of the date of their registration as a carrier,

if on the next application for renewal of their registration as a broker or dealer that person so requests, their renewed registration as a broker or dealer shall expire on the same date as the date of expiry of their registration as a carrier.

(4) Registration as a registered broker or dealer shall cease to have effect if the registered broker or dealer gives written notice to the Department requiring the removal of their name from the register.

(5) The Department shall, no later than six months before the date of expiry of a broker's or dealer's registration, serve on a registered broker or dealer—

- (a) a notice informing that person of the date of expiry and of the effect of sub-paragraph (6); and
- (b) an application form for the renewal of that person's registration and a copy of that person's current entry in the register.

(6) Where an application for the renewal of a registration is made within the last six months prior to its date of expiry, the registration shall, notwithstanding the passing of the expiry date, continue in force—

- (a) until the application is withdrawn or accepted; or
- (b) if the Department refuses the application or the relevant period from the making of the application has expired without the applicant having been registered, until—
 - (i) the expiry of the period for appealing; or
 - (ii) where the applicant gives to the Department written notice within that period that they do not intend to make or continue with an appeal, the date on which such notice is served on the Department.

(7) Where the Department revokes a broker's or dealer's registration, the registration shall, notwithstanding the revocation, continue in force until—

- (a) the expiry of the period for appealing against the revocation; or
- (b) where that person gives to the Department written notice within that period that that person does not intend to make or continue with an appeal, the date on which such notice is served on the Department.

(8) Where an appeal is made under and in accordance with the provisions of paragraph 6—

- (a) by a person whose appeal is in respect of such an application for the renewal of their registration as was made, in accordance with paragraph 3, at a time when that person was already registered; or

(b) by a person whose registration has been revoked,
that registration shall continue in force after its date of expiry or, as the case may be, notwithstanding the revocation, until the appeal is disposed of.

(9) A registration in respect of a business which is carried on by a partnership shall cease to have effect if any of the partners ceases to be registered or if any person who is not registered becomes a partner.

(10) The duration of a registration in respect of a business which is carried on by a partnership shall not be affected if a person ceases to be a partner or if a new partner is registered under paragraph 4(7) in relation to the partnership.

(11) Where an application for renewal is made in advance of the expiry date and the Department decides to renew such registration, the renewal shall for the purposes of this Schedule take effect from the expiry date.

Cessation of registration

8. Where a registration ceases to have effect by virtue of paragraph 7, the Department—
- (a) shall record this fact in the appropriate entry in its register and the date on which it occurred; and
 - (b) may remove the appropriate entry from its register at any time more than six years after the registration ceases to have effect.]

SCHEDULE 5

Regulations 1 and 26

CONDITIONS FOR THE KEEPING OR TREATMENT OF END OF LIFE VEHICLES

PART I

OBLIGATIONS IN RESPECT OF KEEPING OR TREATMENT OF END OF LIFE VEHICLES

1. No end of life vehicle shall be kept (even temporarily) unless such keeping –
- (a) is carried out in accordance with the general requirements laid down in [F213Article 13] of the Directive; and
 - (b) complies with the minimum technical requirements set out in Part II.

Textual Amendments

F213 Words in Sch. 5 Pt. 1 para. 1(a) substituted (8.4.2011) by The Waste Regulations (Northern Ireland) 2011 (S.R. 2011/127), regs. 1(1), **42(1)** (with reg. 9(2))

Commencement Information

I64 Sch. 5 Pt. I para. 1 in operation at 19.12.2003, see **reg. 1(1)**

2. No end of life vehicle shall be treated unless, in respect of the activity or operation performed, that treatment –

- (a) is carried out in accordance with the general requirements laid down in [F214Article 13] of the Directive; and

- (b) complies with the minimum technical requirements set out in Part II and, where applicable, meets the following obligations –
- (i) save where it has already been so treated, before any further treatment or other equivalent arrangement is undertaken, the end of life vehicle shall first be stripped in a way that takes account of any dismantling information provided by the producer to ensure environmentally sound treatment and that best reduces any adverse impact on the environment;
 - (ii) save where it has already been so treated in whole or part, and subject to subparagraph (i), depollution of the end of life vehicle (as described in paragraph 3 of Part II) shall be completed as soon as possible;
 - (iii) hazardous materials and components shall be removed from the end of life vehicle and segregated in such a way so as not to contaminate any part of the vehicle that is subsequently to be shredded;
 - (iv) any stripping or keeping of the end of life vehicle shall be carried out in such a way as to ensure the suitability of its components for either reuse or recovery, and in particular recycling.

Textual Amendments

F214 Words in Sch. 5 Pt. 1 para. 2(a) substituted (8.4.2011) by [The Waste Regulations \(Northern Ireland\) 2011](#) (S.R. 2011/127), regs. 1(1), **42(2)** (with reg. 9(2))

Commencement Information

I65 Sch. 5 Pt. I para. 2 in operation at 19.12.2003, see [reg. 1\(1\)](#)

PART II

MINIMUM TECHNICAL REQUIREMENTS FOR THE KEEPING AND TREATMENT OF END OF LIFE VEHICLES

1. The keeping (even temporarily) of an end of life vehicle prior to treatment shall only be carried out at a site –
- (a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser-degreasers; and
 - (b) provided with equipment for the treatment of water (including rainwater) in compliance with all applicable legislation concerning health and environmental matters.

Commencement Information

I66 Sch. 5 Pt. II para. 1 in operation at 19.12.2003, see [reg. 1\(1\)](#)

2. The treatment of an end of life vehicle shall only be carried out at a site –
- (a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser-degreasers;
 - (b) provided with storage facilities that are appropriate for dismantled spare parts, including impermeable storage facilities for spare parts that are contaminated with oil;

- (c) provided with containers that are appropriate for the storage of batteries (whether electrolyte neutralisation is carried out on-site or elsewhere), filters and condensers containing any PCB or PCT or both;
- (d) provided with storage tanks that are appropriate for the separate segregated storage of any fluid from an end of life vehicle;
- (e) provided with equipment for the treatment of water (including rainwater) in compliance with all applicable legislation concerning health and environmental matters;
- (f) at which there is appropriate storage for used tyres without excessive stockpiling, and minimising any risk of fire.

Commencement Information

I67 Sch. 5 Pt. II para. 2 in operation at 19.12.2003, see [reg. 1\(1\)](#)

3. Treatment operations for the depollution of an end of life vehicle shall consist of –
- (a) the removal of the battery or batteries;
 - (b) the removal of the liquefied gas tank;
 - (c) the removal or neutralisation of all potentially explosive components (including air bags);
 - (d) the removal and separate collection and storage of all –
 - (i) fuel;
 - (ii) motor oil;
 - (iii) transmission oil;
 - (iv) gearbox oil;
 - (v) hydraulic oil;
 - (vi) cooling liquids;
 - (vii) antifreeze;
 - (viii) brake fluids;
 - (ix) air-conditioning system fluids,and any other fluid contained in the said vehicle, but excluding any fluid which is necessarily retained for the reuse of the part concerned; and
 - (e) the removal, so far as is feasible, of all components identified as containing mercury.

Commencement Information

I68 Sch. 5 para. 3 in operation at 19.12.2003, see [reg. 1\(1\)](#)

4. In order to promote its subsequent recycling, where an article or material listed below is first present in an end of life vehicle, no treatment of that vehicle shall prevent the removal –
- (a) of the catalyst or catalysts;
 - (b) (either during shredding or otherwise) of all metal components containing one or more of copper, aluminium and magnesium;
 - (c) (either during shredding or otherwise) of the tyres;
 - (d) (either during shredding or otherwise) of all large plastic components (including bumpers, the dashboard, and any fluid container) in such a way that they can be effectively recycled as materials;

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

(e) of glass,
and where any such article or material is removed it shall be done in such a way as best promotes its recycling.

Commencement Information

I69 Sch. 5 para. 4 in operation at 19.12.2003, see [reg. 1\(1\)](#)

5. Any keeping operations shall be carried out in such a manner as avoids damage to –
- (a) any component containing a fluid or fluids;
 - (b) any recoverable component;
 - (c) any spare part.

Commencement Information

I70 Sch. 5 para. 5 in operation at 19.12.2003, see [reg. 1\(1\)](#)

[^{F215}SCHEDULE 6

Regulation 2

Prescribed Offences

Textual Amendments

F215 Sch. 6 substituted (1.11.2017) by [The Waste Management Licensing \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/202\)](#), regs. 1, 2

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(a) and paragraph 9(2) of Schedule 6 and Part 1, paragraph 14(5) of Schedule 7 to the Drainage (Northern Ireland) Order 1973
2.	Articles 29(1) and 72(3) of the Pollution Control and Local Government (Northern Ireland) Order 1978
3.	Articles 4(6), 5(8), 5E(7), 5E(9), 6(7), 12(12), 12(13), 15(5A), 18(1), 18(2), 21(6), 22(6), 27(5), 28(5), 29(3), 31(2), 38(1), 42(4), 44(2), 74(1), 74(2) and 74(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997

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<i>Number</i>	<i>Offence(s)</i>
4.	Articles 7(1), 7(4), 12(3), 19(1), 28(3) and 29 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.	Articles 20(1), 20(2) and 20(3) 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 43(1), 43(4) and 43(5) of the Hazardous Waste Regulations (Northern Ireland) 2005
12.	Regulation 6(1) of the Radioactive Contaminated Land Regulations (Northern Ireland) 2006
13.	Regulations 18(10), 24(1) and 24(2) of the Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006
14.	Regulations 40(1), 40(3), 40(4), 40(5), 40(6), 40(7) and 40(8) of the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007
15.	Regulations 17, 18, 19(2), 21, 22(2), 23, 24(2), 25, 26, 31, 32(2), 36, 37(2), 38(2), 38(3), 38(4), 39(2), 40(2), 41(2), 42(2), 43, 44(2), 45(2), 52(1), 53, 54, 55 and 57 of the Transfrontier Shipment of Waste Regulations 2007
[^{F216} 16.	Regulation 30(1) of the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020]
[^{F217} 16a.	Regulation 21(1) of the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020]
17.	Regulations 89(1), 89(2), 89(3), 89(4), 89(5) and 89(6) of the Waste Batteries and Accumulators Regulations 2009
18.	Regulations 9(3), 10(3), 17(4), 26(14) and 27 of the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009
19.	Regulations 19(1), 24(3) and 25(3) of the Groundwater Regulations (Northern Ireland) 2009
20.	Section 85(1) of the Marine and Coastal Access Act 2009

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<i>Number</i>	<i>Offence(s)</i>
21.	Regulation 24 of the Waste Regulations (Northern Ireland) 2011
22.	Sections 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
23.	Regulations 82(6), 89(10), 90(1), 90(2), 90(3), 90(4), 90(5), 90(6), 90(7), 90(8) and 90(9) of the Waste Electrical and Electronic Equipment Regulations 2013
24.	Sections 32(1) and 33(1) of the Marine Act (Northern Ireland) 2013
25.	Regulation 36(1) of the Pollution, Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013
26.	Regulations 30(1), 30(2), 30(3), 30(5) and 30(6) of the Nitrates Action Programme Regulations (Northern Ireland) 2014

Table 2

Relevant Financial Offences

<i>Number</i>	<i>Offence(s)</i>
1.	Sections 24(5), 50(2), 50(3), 50(6), 64(7), 67(1), 67(3), 68(2), 68A(1), 100(1), 100(3), 129(3), 136(1), 136(1A), 159(6), 167(1), 167(3), 168(1), 170(1), 170(2) and 170B of the Customs and Excise Management Act 1979
2.	Sections 1, 2, 3, 4, 5(1), 5(2), 5(3), 5(4), 14, 15, 16(1), 16(2), 17(1), 17(2), 18(1) and 19(1) 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(1), 6(1), 7(1), 9(1) and 11(1) 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(1), 8(1), 9(1), 10(1), 11(1), 17(1), 18(1), 21(1) and 23A(1) of the Theft Act (Northern Ireland) 1969
3.	Sections 4, 6, 8, 9, 11(2), 19, 20 and 23(4) of the Misuse of Drugs Act 1971
4.	Sections 24(1), 24A(1), 25(1), 25A(1), 25B(1), 26(1), 26A(3), 26B(1), 26B(2) and 27 of the Immigration Act 1971

<i>Number</i>	<i>Offence(s)</i>
5.	Sections 98(3) and 98(4) of the Local Government Act (Northern Ireland) 1972
6.	Article 31(1) of the Health and Safety at Work (Northern Ireland) Order 1978
7.	Articles 3, 9(13), 11A(1), 15B(11), 19G(4), 31E(1), 31E(2), 72(1), 72(2), 73A(4), 81(1), 82(3), 86(1), 90(4), 91A(1), 95(2), 96(2), 97(3), 168A(1), 172(1), 172B, 174(2), 175(2), 180(1) and 180(4) of the Road Traffic (Northern Ireland) Order 1981
8.	Sections 49(1), 49(2), 50(1), 51(1), 52(1), 53(1), 53(2), 53(3) and 58(1) of the Drug Trafficking Act 1994
9.	Articles 30(4), 31(1), 47(1), 47(2), 53 and 54(1) of the Criminal Justice (Northern Ireland) Order 1996
10.	Article 26A(8) of the Juries (Northern Ireland) Order 1996
11.	Sections 69A(8) and 69C(10) of the Northern Ireland Act 1998
12.	Sections 11(1), 12(1), 12(2), 12(3), 13(1), 15(1), 15(2), 15(3), 16, 17, 18(1), 19(2), 21A(1), 21D(1), 21D(3), 54(1), 54(2), 54(3), 56(1), 57(1), 58(1), 58A(1), 60(1), 62(1), 63(1), 63A(1), 63B(1), 63C(1), 63D(1), 63D(3), 87(6), 89(2), 93(1), 94(2), 94(3), 95(4), 96(3), 103(1) and 116(3) of and paragraphs 3(7), 14(1), 15(4), 16(3), 19(7), 20(6) and 32(3) of Schedule 5, paragraph 1(3) of Schedule 6, paragraph 18(1) of Schedule 7 and paragraphs 2, 3(1), 4(1), 6(3), 15(1) and 16(3) of Schedule 13 to the Terrorism Act 2000
13.	Sections 327(1), 328(1), 329(1), 330(1), 331(1) and 332(1) of the Proceeds of Crime Act 2002
14.	Articles 3(1), 3(2), 6(6), 10(3), 13(2), 15(10), 16(2), 21(4), 24(1), 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), 48(4), 49(5), 51(2), 52(4), 53(5), 54(2), 55(5), 56(3), 58(2), 59(2), 60(1), 61, 62, 63(6), 63(8), 64(1), 65, 66, 67(1), 67(3), 72(2)(c) and 73(1) of the Firearms (Northern Ireland) Order 2004
15.	Sections 21(3), 26(2), 31(1), 32(2) and 32(3) of and paragraphs 4, 5, 6 and 8(3) of Schedule 6 to the Justice and Security (Northern Ireland) Act 2007
16.	Sections 25(1), 44(1), 45 and 46(1) of the Serious Crime Act 2007
17.	Sections 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
18.	Sections 1(3), 8(9), 10(5), 11(4), 11(7), 12(4), 15(4), 16(13) and 17(1) of and paragraph 5 of Schedule 1 and paragraphs 9(1) and 9(5) of Schedule 2 to the Scrap Metal Dealers Act 2013
19.	Regulations 19 and 20(1) of the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015

Changes to legislation: There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003. (See end of Document for details)

<i>Number</i>	<i>Offence(s)</i>
20.	Sections 1(1), 2(1), 2(7) and 4(1) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015]

Textual Amendments

- F216** Words in Sch. 6 para. 1 Table 1 substituted (22.7.2020) by The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020 (S.I. 2020/620), reg. 1(2), **Sch. 1 para. 1(a)**
- F217** Words in Sch. 6 para. 1 Table 1 inserted (22.7.2020) by The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020 (S.I. 2020/620), reg. 1(2), **Sch. 1 para. 1(b)**

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision related to the bringing into operation of the waste management licensing system under Part II of the Waste and Contaminated Land (Northern Ireland) Order 1997 (“the 1997 Order”) and for the purpose of implementing certain Council Directives relating to waste.

Regulations 2 to 5 and Schedule 1 make provision in connection with determining whether an applicant for a licence is a fit and proper person. Regulations 6 to 8 contain procedural provisions in relation to appeals under Articles 17 and 36 of the 1997 Order.

Regulations 9 and 10 make provision in relation to the contents of public registers maintained under Article 34 of the 1997 Order. Regulation 11 prescribes what is to be treated as mobile plant for the purposes of Part II of the 1997 Order.

Regulation 12 prohibits the imposition of conditions in waste management licences for the purpose of securing the health of persons at work. Regulation 13 makes provision, pursuant to Council Directive [75/439/EEC](#) on the disposal of waste oils (O.J. No. L194, 25.7.1975, p. 23, as amended by Council Directive [87/101/EEC](#), O.J. No. L42, 12.2.1987, p. 43), as to conditions which are to be included in a licence which relates to waste oil. Regulation 14, for the purpose of implementing Council Directive [80/68/EEC](#) on the protection of groundwater against pollution caused by certain dangerous substances, makes provision for the method of dealing with applications for licences in respect of waste activities which could lead to the discharge into groundwater of the substances in lists I and II of that Directive. Regulation 15 amends the Groundwater Regulations (Northern Ireland) 1998.

Regulations 16 and 17 exempt certain activities from the need to have a waste management licence. Regulation 16 disapplies Article 4(l) of the 1997 Order in the case of certain waste activities controlled by other systems. Regulation 17 disapplies Article 4(1)(a) and (b) of the 1997 Order in the case of the activities set out in Part I of Schedule 2. Parts II and III of Schedule 2 deal with information to be supplied in relation to certain exempt activities.

Regulation 18 provides a system of registration for the activities exempted by regulation 17 and regulation 19 sets out the additional obligations on operators of those activities.

Regulation 20 provides for the refusal, revocation and cessation of exempt activities.

Regulation 21 and Schedule 3 contain provisions which implement Council Directive [75/442/EEC](#) on waste (as amended) (“the Waste Framework Directive”). Part I of Schedule 3 modifies Part II of the 1997 Order, the Industrial Pollution Control (Northern Ireland) Order 1997, the Water (Northern Ireland) Order 1999, Part II of the Pollution Control and Local Government (Northern Ireland) Order 1978, Part II of the Food and Environment Protection Act 1985, and planning legislation, and requires certain functions under those enactments to be discharged with the objectives set out in the Waste Framework Directive. Part I of that Schedule also provides for the preparation of offshore waste management plans, registration of waste collectors, transporters, brokers and dealers who would otherwise not be subject to registration, and the inspection of, and record keeping by, establishments or undertakings carrying out waste disposal or recovery. Parts II and III of that Schedule list waste disposal and recovery operations.

Regulation 22 and Schedule 4 provide for the registration of waste brokers and dealers in respect of their activities on or after 19th August 2004. Schedule 4 makes provision as to the keeping of registers, and in respect of applications for registration, the duration and revocation of registration, and related appeals.

Regulations 23 to 25 amend the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995, the Special Waste Regulations (Northern Ireland) 1998 and the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999.

Regulation 26 and Schedule 5 transpose the requirements of Directive [2002/53/EC](#) of the European Parliament and of the Council on end of life vehicles (the End of Life Vehicles Directive) by ensuring that all activities that constitute treatment of end of life vehicles are licensed so as to meet the requirements of Article 6 and Annex 1 of that Directive.

Regulation 27 revokes the Waste Collection and Disposal (Amendment) Regulations (Northern Ireland) 1997 and the remaining extant provisions of the Waste Collection and Disposal Regulations (Northern Ireland) 1992.

Changes to legislation:

There are currently no known outstanding effects for The Waste Management Licensing Regulations (Northern Ireland) 2003.