
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 289

**EUROPEAN COMMUNITIES
ENVIRONMENTAL PROTECTION**

The Special Waste Regulations (Northern Ireland) 1998

Made - - - - 14th August 1998

Coming into operation 18th September 1998

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 the regulation and control of the transit, import and export of waste (including recyclable materials), the prevention, reduction and elimination of pollution caused by waste and the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred on it by section 2(2) of that Act, Articles 5(1), 17, 36(4) and 86(2) of the Pollution Control and Local Government (Northern Ireland) Order 1978⁽³⁾, Articles 2(3), 30 and 48 of the Waste and Contaminated Land (Northern Ireland) Order 1997⁽⁴⁾ and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Special Waste Regulations (Northern Ireland) 1998 and shall come into operation on 18th September 1998.

(2) The Interpretation Act (Northern Ireland) 1954⁽⁵⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(3) These Regulations do not apply in relation to any special waste in respect of which, in accordance with regulation 22(2), the Pollution Control (Special Waste) Regulations (Northern Ireland) 1981⁽⁶⁾ continue to have effect.

(4) In these Regulations—

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

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

(1) S.I. 1993/2661, S.I. 1992/2870 and S.I. 1988/785

(2) 1972 c. 68

(3) S.I. 1978/1049 (N.I. 19), See Article 2(2) for definition of “Department”, “prescribed” and “regulations”

(4) S.I. 1997/2778 (N.I. 19), See Article 2(2) for definition of “Department” and “regulations”

(5) 1954 c. 33 (N.I.)

(6) S.R. 1981 No. 252 as amended by Part IV of Schedule 6 to the Radioactive Substances Act 1993 (1993 c. 12)

“the approved classification and labelling guide” means the document published by the Health and Safety Commission entitled “Approved Guide to the Classification and Labelling of Substances and Preparations Dangerous for Supply (Second Edition)”⁽⁷⁾ approved by the Department of Economic Development for the purposes of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995⁽⁸⁾;

“the approved supply list” means the document published by the Health and Safety Commission entitled “Information Approved for the Classification and Labelling of Substances and Preparations Dangerous for Supply (3rd Edition)” as revised by the document published by the Health and Safety Commission and entitled “Approved Supply List Supplement”⁽⁹⁾ approved by the Department of Economic Development for the purposes of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995;

“authorised person” means a person authorised in writing by the Department for the purposes of these regulations;

“carrier”, in relation to a consignment of special waste, means the person who collects that waste from the premises at which it is being held and delivers it to another person for treatment or disposal;

“carrier’s round”, in relation to consignments of special waste, means a journey made by a carrier during which he collects more than one consignment of special waste and transports all consignments collected to the same consignee who is specified in the consignment note;

“carrier’s schedule” means a schedule prepared in accordance with regulation 8;

“consignee”, in relation to any consignment of special waste, means the person to whom that waste is to be delivered for treatment or disposal;

“consignment note”, in relation to a consignment of special waste, means a note in the form set out in Schedule 1, and giving the details required by these Regulations to be shown in respect of that consignment (including, where the consignment is one in a succession of consignments, any details required to be shown in respect of other consignments in the succession);

“consignor”, in relation to a consignment of special waste, means the person who causes that waste to be removed from the premises at which it is being held;

“controlled waste” has the same meaning as in Part II of the 1997 Order;

“conveyance” includes a vehicle designed to carry goods by road or rail and a vessel designed to carry goods by water;

“disposal licence” has the same meaning as in Part II of the 1978 Order;

“harbour area” has the same meaning as in the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991⁽¹⁰⁾;

“the Hazardous Waste Directive” means Council Directive [91/689/EEC](#) on hazardous waste, as amended by Council Directive [94/31/EC](#)⁽¹¹⁾;

“household waste” has the same meaning as in Part II of the 1997 Order, other than—

- (a) asbestos;
- (b) waste from a laboratory;

(7) The approved classification and labelling guide is available from HSE Books, PO Box 1999, Sudbury, Suffolk, C10 6FS

(8) [S.R. 1995 No. 60](#), relevant amendments are [S.R. 1996 No. 376](#) and [S.R. 1997 No. 398](#)

(9) The Approved Supply List and Supplement are available from HSE Books, PO Box 1999, Sudbury, Suffolk, C10 6FS

(10) [S.R. 1991 No. 509](#)

(11) Council Directive [91/689/EEC](#) is to be found at O.J. No. L377, 31.12.91, p. 20; Council Directive [94/31/EC](#) at O.J. No. L168, 2.7.94, p. 28. *See also* Council Decision [94/904/EC](#) (O.J. No. L356, 31.12.94, p. 14)

- (c) waste from a hospital, other than waste from a self-contained part of a hospital which is used wholly for the purposes of living accommodation;

“premises” includes any ship;

“relevant code”, in relation to a consignment note or carrier’s schedule, means the code assigned in accordance with regulation 4 to the consignment of special waste to which the consignment note or carrier’s schedule relates or, where the consignment is one in a carrier’s round, to the consignments in that round;

“risk phrase” means the risk phrase shown under Part III of the approved supply list;

“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; and

“special waste” has the meaning given by regulation 2.

Meaning of special waste

2.—(1) Any controlled waste, other than household waste—

- (a) to which a six-digit code is assigned in the list set out in Part I of Schedule 2 (which reproduces the list of hazardous waste annexed to Council Decision [94/904/EC](#)([12](#)) establishing a list of hazardous waste pursuant to Article 1(4) of the Hazardous Waste Directive); and
- (b) which displays any of the properties specified in Part II of that Schedule (which reproduces Annex III to the Hazardous Waste Directive),

is special waste.

(2) Any other controlled waste, other than household waste, which—

- (a) displays the property H3-A (first indent), H4, H5, H6, H7 or H8 specified in Part II of Schedule 2; or
- (b) is a medicinal product, as defined in section 130 of the Medicines Act 1968([13](#)) (meaning of “medicinal product” etc), of a description, or falling within a class, specified in an order under section 58 of that Act([14](#)) (medicinal products on prescription only),

is special waste.

(3) For the purposes of paragraphs (1) and (2) waste shall be treated as displaying none of the properties H4 to H8 specified in Part II of Schedule 2 if it satisfies none of the criteria set out in Part III of that Schedule.

(4) Part IV of Schedule 2 (which contains rules for the interpretation of that Schedule) shall have effect.

Certain radioactive waste to be special waste

3. Article 30 of the 1997 Order (Special provision with respect to certain dangerous or intractable waste) shall have effect, without modification, so as to empower the Department to make provision for waste which would be controlled waste but for the fact that it is radioactive waste within the meaning of the Radioactive Substances Act 1993([15](#)); and paragraphs (1) and (2) of regulation 2 shall apply to any such waste as if it were controlled waste.

(12) O.J. No. L356, 31.12.94, p. 14

(13) [1968 c. 67](#); section 130 is amended by paragraph 3(7) to (10) of Schedule 1, and Schedule 2, to the Animal Health and Welfare Act 1984 ([1984 c. 40](#))

(14) Section 58 is amended by section 1 of the Medicinal Products: Prescription by Nurses etc. Act 1992 ([1992 c. 28](#))

(15) [1993 c. 12](#)

Coding of consignments

4.—(1) Subject to paragraph (3), the Department shall assign or supply forthwith to any person, on request, for the purpose of assigning to a consignment of special waste or, where the consignment is one in a carrier's round, to the consignments in that round, a code unique to that consignment or round, as the case may be.

(2) A code assigned or supplied in accordance with paragraph (1) may consist of letters, numbers or symbols, or any combination of letters, numbers and symbols, or a bar code which enables the consignment or carrier's round, as the case may be, to be identified electronically.

(3) The Department need not assign or supply a code for a consignment or round until any fee required in respect of it under regulation 13 has been paid.

Consignment notes: standard procedure

5.—(1) Except in a case to which regulation 6, 8 or 9 applies, this regulation applies where a consignment of special waste is to be removed from the premises at which it is being held.

(2) Before the consignment is removed—

- (a) five copies of the consignment note shall be prepared, and, on each copy, Parts A and B shall be completed and the relevant code entered;
- (b) the consignor shall ensure that one of those copies (on which Parts A and B have been completed and the relevant code entered) is furnished to the Department;
- (c) the carrier shall complete Part C on each of the four remaining copies; and
- (d) the consignor—
 - (i) shall complete Part D on each of those copies;
 - (ii) shall retain one copy (on which Parts A to D have been completed and the relevant code entered); and
 - (iii) shall give the three remaining copies (on which Parts A to D have been completed and the relevant code entered) to the carrier.

(3) The carrier shall ensure that the copies which he has received—

- (a) travel with the consignment; and
- (b) are given to the consignee on delivery of the consignment.

(4) Subject to regulation 10, on receiving the consignment the consignee shall—

- (a) complete Part E on the three copies of the consignment note given to him;
- (b) retain one copy;
- (c) give one copy to the carrier; and
- (d) forthwith furnish one copy to the Department.

(5) The carrier shall retain the copy of the consignment note given to him by the consignee.

Consignment notes: cases in which pre-notification is not required

6.—(1) For the purposes of regulation 7, except in a case to which regulation 8 applies, this regulation applies—

- (a) subject to paragraph (2)(a), to the removal, from the premises at which it is being held, of each of the second and any subsequent consignment of special waste in a succession of consignments of special waste,

- (b) subject to paragraph (2)(b), to the removal as a consignment of special waste of a product or material for the purposes of the return by the person to whom the product or material had been supplied to the person who supplied it to him or who manufactured it,
 - (c) subject to paragraph (2)(c), to the removal of a consignment of special waste where the consignor and the consignee are bodies corporate belonging to the same group,
 - (d) to the removal from a ship in a harbour area of a consignment of special waste to a conveyance for transportation to a place outside that area, and
 - (e) to the removal of a consignment of special waste which consists entirely of lead acid motor vehicle batteries.
- (2) This regulation does not apply unless—
- (a) in the case mentioned in paragraph (1)(a), in respect of each consignment—
 - (i) the waste is of the same description as the waste in the first of the consignments in the succession;
 - (ii) the consignor is the same person;
 - (iii) the consignee is the same person;
 - (iv) the premises from which the consignment is removed are the same;
 - (v) the place to which the consignment is transported is the same; and
 - (vi) the removal of the consignment takes place within one year of the removal of the first consignment in the succession;
 - (b) in the case mentioned in paragraph (1)(b), the person to whom the product or material was supplied is satisfied that, as supplied, the product or material fails to meet any specification which he expected it to meet;
 - (c) in the case mentioned in paragraph (1)(c), the removal is for either storage of waste pending any of the operations listed in Annex IIA to Council Directive [75/442/EEC](#)(**16**), or storage of waste consisting of materials intended for submission to any operation listed in Annex IIB to that Directive, but, in either case, excluding temporary storage, pending collection, on the site where the waste is produced, and the consignee, either—
 - (i) is the holder of a disposal licence which authorises the relevant operation; or
 - (ii) carries on any activity which, by virtue of paragraphs 7, 14, 15, 16B, 16C, 16D or 24 of Schedule 6 to the Waste Collection and Disposal Regulations (Northern Ireland) 1992(**17**), does not require a disposal licence.
- (3) In paragraph (1)(c) “group”, in relation to a body corporate, means that body corporate, any other body corporate which is its holding company or subsidiary and any other body corporate which is a subsidiary of that holding company; and for these purposes—
- “body corporate” does not include a corporation sole, but includes a company incorporated elsewhere than in Northern Ireland; and
- “holding company” and “subsidiary” have the meaning given by Article 4 of the Companies (Northern Ireland) Order 1986(**18**).

Consignment notes: procedure where pre-notification is not required

7. Paragraph (2), with the exception of sub-paragraph (b), and paragraphs (3) to (5) of regulation 5 shall apply in cases to which regulation 6 applies as if—

(16) O.J. No. L194, 25.7.75, p. 39; as amended by Council Directive [91/156/EEC](#) (O.J. No. L78, 26.3.91, p. 32)

(17) [S.R. 1992 No. 254](#)

(18) [S.I. 1986/1032 \(N.I. 6\)](#) as amended by [S.I. 1990/1504 \(N.I. 10\)](#) Article 62

- (a) “four” were substituted for “five” in sub-paragraph (a) of paragraph (2) of regulation 5;
- (b) references to the consignor were references—
 - (i) in relation to the case mentioned in regulation 6(1)(b), to the person to whom the product or material was supplied; and
 - (ii) in relation to the case mentioned in regulation 6(1)(d), to the master of the ship; and
- (c) references to the consignee were references, in relation to the case mentioned in regulation 6(1)(b), to the person to whom the product or material is to be returned.

Consignment notes: carrier’s rounds

8.—(1) This regulation applies to a carrier’s round or to a succession of such rounds by the same carrier starting and ending within a twelve month period in respect of which—

- (a) every consignor is a person specified in the consignment note or in the schedule prepared in accordance with paragraph (2)(b)(iii) or whose particulars are notified in writing to the Department not less than 72 hours before the removal of the first waste on the carrier’s round;
 - (b) the premises from which the special waste is removed are specified in the consignment note or in the schedule prepared in accordance with paragraph (2)(b)(iii) or notified in writing to the Department not less than 72 hours before the removal of the first waste on the carrier’s round;
 - (c) the special waste is of a description specified in the consignment note; and
 - (d) in the case of a single round other than a round that satisfies the requirements of regulation 13(2)(a), the time between the collection of the first consignment and delivery to the consignee is no more than 24 hours.
- (2) Before the first removal of waste, the carrier shall—
- (a) on any carrier’s round which is not in a succession or on the first round in such a succession, ensure that—
 - (i) Parts A and B of the consignment note are completed and that the relevant code is entered;
 - (ii) except where the special waste to be collected on the carrier’s round consists entirely of lead acid motor vehicle batteries, one copy of the consignment note is furnished to the Department;
 - (b) on every round—
 - (i) prepare three copies of the consignment note in addition to one copy for each consignor from whom waste is to be collected during the round;
 - (ii) complete on those copies Parts A and B, the carrier’s particulars and particulars of transport in Part C, the code assigned or supplied under regulation 4 in respect of the round and, if it is a second or subsequent round, the code in respect of the first round; and
 - (iii) ensure that four copies of a schedule are prepared in the form set out in Part II of Schedule 1 in addition to one consignor’s copy for each site from which waste is to be collected during that round.
- (3) In a case where waste of more than one description is specified in the consignment note, either—
- (i) the schedule referred to in paragraph (2)(b)(iii) shall contain a separate entry for each description of waste to be collected from each consignor showing the description of waste to which that entry relates; or

- (ii) each entry in the schedule shall show the different descriptions of the waste to be collected and, for each such description, the quantity of the waste to be collected.
- (4) The consignor shall, before the removal of waste from a site, complete on all the copies that part of the schedule indicated on it as for completion by him.
- (5) The carrier shall ensure, before the removal of the waste, that—
 - (a) the part of the schedule indicated on it as for completion by him is completed on all the copies and includes a record of the time at which it is completed; and
 - (b) he has all copies of the schedule (on which the part to be completed by the consignor has been completed) except the copy to be retained by the consignor under paragraph (6).
- (6) The consignor shall retain in respect of each site one copy of the consignment note and of that part of the schedule on which the parts to be completed by him and by the carrier have been completed.
- (7) Before the removal of the last consignment of waste on the carrier's round, the carrier shall complete Part C on the three copies of the consignment note retained by him.
- (8) The carrier shall ensure that the copies of the consignment note and of the schedule which he has received—
 - (a) travel with the waste to which they refer;
 - (b) are given to the consignee on delivery of the waste.
- (9) Subject to regulation 10, on receiving the waste collected on each round, the consignee shall—
 - (a) complete Part E on the three copies of the consignment note given to him;
 - (b) retain one copy of the consignment note and one copy of the schedule;
 - (c) give to the carrier a copy of the consignment note and a copy of the schedule; and
 - (d) forthwith furnish to the Department one copy of the consignment note and one copy of the schedule.
- (10) The carrier shall retain the copies given to him in accordance with paragraph 9(c).

Consignment notes: removal of ships' waste to reception facilities

- 9.—(1) This regulation applies where special waste is removed from a ship in a harbour area to—
- (a) reception facilities provided within that harbour area; or
 - (b) by pipeline to any such facilities provided outside a harbour area.
- (2) Before the waste is removed from the ship—
- (a) three copies of the consignment note shall be prepared and Parts A and B shall be completed and the relevant code entered on each of those copies;
 - (b) the operator of the facilities shall complete Part C on each of those copies; and
 - (c) the master of the ship—
 - (i) shall ensure that Part D is completed on each of those copies;
 - (ii) shall retain one copy (on which Parts A to D have been completed); and
 - (iii) shall give the two remaining copies (on which Parts A to D have been completed) to the operator of the facilities.
- (3) On receiving a consignment of special waste the operator of the facilities shall—
- (a) complete Part E on the copies of the consignment note which he has received;
 - (b) retain one copy; and
 - (c) forthwith furnish the other copy to the Department.

Consignment notes etc : duty of consignee not accepting delivery of a consignment

10.—(1) This regulation applies where the consignee does not accept delivery of a consignment of special waste.

(2) In a case to which this regulation applies the requirements of regulation 5(4) (including that paragraph as applied in cases to which regulation 6 applies) or 8(9), as the case may be, shall not apply to the consignee.

(3) If, in a case to which this regulation applies, copies of the consignment note have been given to the consignee he shall—

- (a) indicate on Part E of each copy that he does not accept the consignment and the reasons why he does not accept the consignment;
- (b) retain one copy;
- (c) ensure that one copy, accompanied by one copy of any carrier's schedule given to him in accordance with regulation 8, are furnished forthwith to the Department; and
- (d) ensure that the other copy is returned to the carrier forthwith.

(4) If, in a case to which this regulation applies, no copies of the consignment note have been given to the consignee he shall ensure that a written explanation of his reasons for not accepting delivery, including such details of the consignment and of the carrier as are known to him, is furnished forthwith to the Department.

(5) In a case to which this regulation applies—

- (a) on being informed that the consignee will not accept delivery of the consignment, the carrier shall inform the Department and seek instructions from the consignor;
- (b) the consignor shall forthwith inform the carrier and the Department of his intentions as regards the consignment; and
- (c) the carrier shall take all reasonable steps to ensure that the consignor's intentions are fulfilled.

(6) For the purposes of paragraph (5), the consignor may propose one of the following, namely—

- (a) the delivery of the consignment to the premises from which it had been collected;
- (b) the delivery of the consignment to the premises at which it had been produced;
- (c) the delivery of the consignment to other specified premises in respect of which there is held any disposal licence necessary to authorise the receipt of the waste.

Consignment notes: provisions as to furnishing

11.—(1) Subject to paragraphs (2), (3) and (6), a copy of a consignment note required by regulation 5 or 8 to be furnished to the Department must be furnished not more than one month and not less than 72 hours before the removal of the consignment.

(2) Subject to paragraphs (3) and (6), a copy of a consignment note required to be furnished by regulation 8(2)(a)(ii) shall be furnished not less than 72 hours before the removal of the first consignment to which the consignment note relates.

(3) The copy of the consignment note mentioned in paragraphs (1) and (2) may be furnished to the Department within 72 hours before the removal where—

- (a) the consignment is to be delivered to other specified premises pursuant to a proposal under regulation 10(6)(c);
- (b) the consignment can not lawfully remain where it is for 72 hours.

(4) The requirements of paragraphs (1) and (2) shall be treated as satisfied if—

- (a) a facsimile of the copy is furnished to the Department by telephonic, electronic or other similar means of transmission in compliance with the time limits set out in those paragraphs, and
- (b) the copy is furnished to the Department before or, in accordance with paragraph (5), forthwith upon removal of the consignment.

(5) A copy of a consignment note or a written explanation of reasons for refusing to accept delivery of any special waste is furnished to the Department in accordance with this paragraph if it, and any document required to be furnished with it, is—

- (a) delivered to the Department, or
- (b) posted to the Department by pre-paid first class post,

within one day of the receipt, removal or refusal to accept delivery of the special waste in question, as the case may be.

(6) In reckoning any period of hours for the purposes of paragraphs (1), (2) and (3), the hours of any Saturday, Sunday, Good Friday, Christmas Day, bank holiday or other public holiday shall be disregarded.

Consignment notes: importers and exporters

12.—(1) Subject to paragraphs (3) and (4), regulations 5 to 11 shall apply to special waste imported into Northern Ireland from Great Britain as if—

- (a) any reference to the consignor were a reference to the person importing the special waste;
- (b) any reference to the premises at which the special waste is being held and from which it is removed were a reference to the place where it first enters Northern Ireland; and
- (c) the special waste is removed from that place at the time when it first enters Northern Ireland.

(2) Subject to paragraph (4), these Regulations shall apply to special waste exported from Northern Ireland to Great Britain as if—

- (a) any reference to the consignee were a reference to the person exporting the waste; and
- (b) the consignment of special waste is received by that person at the place where and the time when it leaves Northern Ireland.

(3) Paragraph (1) does not apply in a case to which either regulation 6(1)(d) or regulation 9 applies.

(4) Nothing in regulations 5 to 11 shall apply in relation to shipments of waste to which the provisions of Council Regulation (EEC) No. 259/93(19), other than Title III of that Regulation, apply.

Fees

13.—(1) Subject to paragraph (2), in connection with the assignment or supply of a code for a consignment or a carrier's round in accordance with regulation 4(1), the Department shall require payment of a fee of—

- (a) £10 in respect of a code relating to a consignment, or a round, which consists entirely of lead acid motor vehicle batteries;
- (b) £24 in other cases.

(2) The Department shall not require payment of a fee where the code is assigned or supplied in connection with—

- (a) a second or subsequent carrier's round in a succession of such rounds in which a single vehicle is used and in respect of which—
 - (i) the carrier is also the consignee in relation to every consignment in all the rounds;
 - (ii) no more than one consignment is collected from any consignor during the succession;
 - (iii) the total weight of special waste collected in each round does not exceed 400 kg; and
 - (iv) the time between the collection of the first consignment on the first round in the succession and the delivery of the last consignment to the place to which it is to be transported is no more than one week.
- (b) the removal of a single consignment of special waste for the purposes set out in regulation 6(1)(b) provided that the person to whom the product or material was supplied is satisfied that it fails to meet any specification which he expected it to meet; or
- (c) the removal of special waste from a ship in a harbour area—
 - (i) to a conveyance for transportation to a place outside that area;
 - (ii) to reception facilities provided within the same harbour area; or
 - (iii) by pipeline to reception facilities provided outside the harbour area.

(3) Where the Department assigns or supplies a code under regulation 4(1) without the fee required under this regulation having been paid to it, the person who requested the assignment or supply shall be required to pay the fee to the Department within the period of two months beginning with the date on which the request was made.

Registers

14.—(1) At each site from which any consignment of special waste has been removed, the consignor shall keep a register containing—

- (a) a copy of the consignment note; and
- (b) where the consignment is one to which regulation 8 applies, a copy of that part of the carrier's schedule retained under regulation 8(6),

applicable to each consignment removed from that site.

(2) Every carrier shall keep a register containing—

- (a) a copy of the consignment note; and
- (b) where the consignment is one to which regulation 8 applies, a copy of the carrier's schedule,

applicable to each consignment which he has transported.

(3) At each site at which any consignment of special waste has been received, the consignee shall keep a register containing—

- (a) a copy of the consignment note; and
- (b) where the consignment is one to which regulation 8 applies, a copy of the carrier's schedule,

applicable to each consignment, other than a consignment to which regulation 10 applies, received at that site.

(4) A consignment note or carrier's schedule required by paragraph (1) or (2) to be kept in a register shall be retained in the register for not less than three years from the date on which the waste to which it relates was removed from the premises at which it was being held.

(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 disposal licence for the site in question is surrendered or revoked entirely, at which time he shall send the register to the district council for the site; and that district council shall retain the register for not less than three years after its receipt.

(6) Where a disposal licence is not required (by virtue of paragraph 16D or 24 of Schedule 6 to the Waste Collection and Disposal Regulations (Northern Ireland) 1992) for operations 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 disposal licence were a reference to the surrender or revocation of either his certificate of registration under the Alkali, &c. Works Regulation Act 1906⁽²⁰⁾, or his authorisation under the Industrial Pollution Control (Northern Ireland) Order 1997⁽²¹⁾ for the site in question.

(7) Where, in circumstances other than those mentioned in paragraph (6), Article 5(1) of the 1978 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.

(8) Insofar as is consistent with the foregoing provisions of this regulation, registers under this regulation may be kept in any form.

Site records

15.—(1) Any person who makes a deposit of special waste in or on any land shall record the location of each such deposit, shall keep such records until his disposal licence is surrendered or revoked and shall then send the records to the district council for the site.

(2) Such records shall comprise either—

- (a) a site plan marked with a grid, or
- (b) a site plan with overlays on which deposits are shown in relation to the contours of the site.

(3) Deposits shall be described in such records by reference to the register of consignment notes kept under regulation 14, save that where waste is disposed of—

- (a) by pipeline, or
- (b) within the curtilage of the premises at which it is produced,

the deposits shall be described by reference to a record of the composition of the waste and the date of its disposal.

(4) In the case of liquid wastes discharged without containers into underground strata or disused workings the record shall comprise only a written statement of the quantity and composition of special waste so discharged and the date of its disposal.

(5) Every record made pursuant to regulation 15 of the Pollution Control (Special Waste) Regulations (Northern Ireland) 1981⁽²²⁾ shall—

- (a) be kept with the records referred to in paragraph (1) for so long as is mentioned in that paragraph, and
- (b) shall accompany those records when they are sent to the district council in accordance with that paragraph.

⁽²⁰⁾ 1906 c. 14 as amended by S.R. 1991 No. 49, S.R. 1994 No. 104, S.R. 1994 No. 192 and S.R. 1994 No. 444

⁽²¹⁾ S.I. 1997/2777 (N.I. 18)

⁽²²⁾ S.R. 1981 No. 252

Restrictions on mixing special waste

16.—(1) Subject to paragraph (2), an establishment or undertaking which carries out the disposal or recovery of special waste, or which collects or transports special waste, shall not—

- (a) mix different categories of special waste; or
- (b) mix special waste with waste which is not special waste.

(2) Paragraph (1) shall not apply if the mixing—

- (a) is authorised by a disposal licence, or is either subject to a certificate of registration under the Alkali, &c. Works Regulation Act 1906 or authorised by an authorisation granted under the Industrial Pollution Control (Northern Ireland) Order 1997; or
- (b) is a case in which a disposal licence is not (by virtue of regulation 9 of the Waste Collection and Disposal Regulations (Northern Ireland) 1992) required.

Offences

17.—(1) Subject to paragraph (2), it shall be an offence for a person (other than an authorised person) to fail to comply with any of the foregoing provisions of these Regulations insofar as that provision imposes any obligation or requirement upon him.

(2) It shall be a defence for a person charged with an offence under paragraph (1) to prove that he was not reasonably able to comply with the provision in question by reason of an emergency or grave danger and that he took all steps as were reasonably practicable in the circumstances for—

- (a) minimising any threat to the public or the environment; and
- (b) ensuring that the provision in question was complied with as soon as reasonably practicable after the event.

(3) A person who, in purported compliance with a requirement imposed by or under any of the foregoing provisions to furnish any information, makes a statement which he 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.

(4) A person who intentionally makes a false entry in any record or register required to be kept by virtue of any of the foregoing provisions of these Regulations commits an offence.

(5) Where the commission by any person of an offence under this regulation is due to the act or default of some other person, that other person may be charged with and convicted of an offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(6) A person who commits an offence under this regulation shall be liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

Responsibilities of the Department

18. The Department shall be responsible for supervising the persons and activities subject to any provision of these Regulations.

Inspections by the Department

19. Any establishment or undertaking which produces special waste shall be subject to appropriate periodic inspections by the Department.

Amendment of regulations relating to the assessment of environmental effects

20. In regulation 2(2) of the Planning (Assessment of Environmental Effects) Regulations (Northern Ireland) 1989⁽²³⁾, for the definition of “special waste” there shall be substituted—

““special waste” means waste which is special waste for the purposes of the Special Waste Regulations (Northern Ireland) 1998.”.

Amendment of the Waste Collection and Disposal Regulations (Northern Ireland) 1992

21. The Waste Collection and Disposal Regulations (Northern Ireland) 1992 should be amended as follows—

(a) for regulation 9(3) there shall be substituted—

“(3) Paragraphs 1 to 13, 15 to 16D, 23 and 24 of Schedule 6 do not apply where the waste is special waste.”; and

(b) Schedule 6 thereto shall be amended in accordance with Schedule 3.

Revocations and savings

22.—(1) Subject to paragraph (2), the following regulations are hereby revoked—

(a) the Pollution Control (Special Waste) Regulations (Northern Ireland) 1981 (“the 1981 Regulations”);

(b) paragraphs (3) and (4) of regulation 18 of the Transfrontier Shipment of Waste Regulations 1994⁽²⁴⁾.

(2) Subject to paragraph (3), the 1981 Regulations shall continue to have effect in relation to any special waste in respect of which the consignment note (within the meaning of those Regulations) was furnished or is treated as having been furnished to the District Council, in accordance with regulation 5 of those Regulations, before the coming into operation of these Regulations.

(3) Paragraph (2) shall not apply in relation to any special waste in respect of which consignment notes are furnished pursuant to regulation 10 of the 1981 Regulations and after 17th September 1998 any direction made under regulation 10 of the 1981 Regulations shall have no effect.

Sealed with the Official Seal of the Department of the Environment on 14th August 1998.

L.S.

R. W. Rogers
Assistant Secretary

⁽²³⁾ S.R. 1989 No. 20, to which there are amendments not relevant to these Regulations

⁽²⁴⁾ S.I. 1994/1137

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 1(4)

Part I

FORM OF CONSIGNMENT NOTE

THE SPECIAL WASTE REGULATIONS (NORTHERN IRELAND) 1998

No of prenotice (if different) _____		Consignment Note No _____	
		Sheet _____ of _____	
PLEASE TICK IF YOU ARE A TRANSFER STATION <input type="checkbox"/>			
A CONSIGNMENT DETAILS			
1. The waste described below is to be removed from (name, address and postcode)			
2. The waste will be taken to (address and postcode)			
3. The consignment(s) will be: one single _____ a succession _____ carrier's round 1 1 other 1 1			
4. Expected removal date of first consignment _____ last consignment: _____			
5. Name _____ On behalf of (company) _____			
Signature _____ Date _____			
6. 7. The waste producer was (if different from 1.) _____			
B DESCRIPTION OF THE WASTE No. of additional sheet(s) 			
1. The waste is _____ 2. Classification _____			
3. Physical Form: Liquid <input type="checkbox"/> Powder <input type="checkbox"/> Sludge <input type="checkbox"/> Solid <input type="checkbox"/> Mixed <input type="checkbox"/> 4. Colour _____			
5. Total quantity for removal _____ quantity _____ units (eg. kg/ltrs/tonnes) Container type, number and size: _____			
6. The chemical/biological components that make the waste special are			
component	concentration (% or mg/kg)	component 1	concentration (% or mg/kg)
7. The hazards are: _____			
8. The process giving rise to waste is: _____			
C CARRIER'S CERTIFICATE			
I certify that I today collected the consignment and that the details in A1, A2 and B1 above are correct. The quantity collected in the load is:			
Name _____		On behalf of (Company) (name and address) _____	
Signature _____		Date _____ at _____ hrs	
Vehicle registration No. (or mode of transport, if not road) _____			
D CONSIGNOR'S CERTIFICATE			
I certify that the information in B and C above is correct, and that the carrier was advised of the appropriate precautionary measures.			
Name _____		On behalf of (Company) _____	
Signature _____		Date _____	
E CONSIGNEE'S CERTIFICATE			
1. I received this waste on _____ at _____ hrs 2. Quantity received quantity _____ units (eg. kg/ltrs/tonnes)			
3. Vehicle registration No _____			
I certify that I licence No _____		authorises the recovery, treatment or disposal of the waste described in B	
Name _____		On behalf of (Company) _____	
Signature _____		Date _____	

Regulation 8(2)

FORM OF SCHEDULE

Consignment Note No

Sheet of

15

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Regulation 2

Special Waste**Part I****HAZARDOUS WASTE LIST**

<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
02	WASTE FROM AGRICULTURAL, HORTICULTURAL, HUNTING, FISHING AND AQUACULTURE PRIMARY PRODUCTION, FOOD PREPARATION AND PROCESSING
0201	PRIMARY PRODUCTION WASTE
020105	agrochemical wastes
03	WASTES FROM WOOD PROCESSING AND THE PRODUCTION OF PAPER, CARDBOARD, PULP, PANELS AND FURNITURE
0302	WOOD PRESERVATION WASTE
030201	non-halogenated organic wood preservatives
030202	organochlorinated wood preservatives
030203	organometallic wood preservatives
030204	inorganic wood preservatives
04	WASTES FROM THE LEATHER AND TEXTILE INDUSTRIES
0401	WASTES FROM THE LEATHER INDUSTRY
040103	degreasing wastes containing solvents without a liquid phase
0402	WASTES FROM TEXTILE INDUSTRY
040211	halogenated wastes from dressing and finishing
05	WASTES FROM PETROLEUM REFINING, NATURAL GAS PURIFICATION AND PYROLYTIC TREATMENT OF COAL
0501	OILY SLUDGES AND SOLID WASTES
050103	tank bottom sludges
050104	acid alkyl sludges
050105	oil spills
050107	acid tars

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
050108	other tars
0504	SPENT FILTER CLAYS
050401	spent filter clays
0506	WASTE FROM THE PYROLYTIC TREATMENT OF COAL
050601	acid tars
050603	other tars
0507	WASTE FROM NATURAL GAS PURIFICATION
050701	sludges containing mercury
0508	WASTES FROM OIL REGENERATION
050801	spent filter clays
050802	acid tars
050803	other tars
050804	aqueous liquid waste from oil regeneration
06	WASTES FROM INORGANIC CHEMICAL PROCESSES
0601	WASTE ACIDIC SOLUTIONS
060101	sulphuric acid and sulphurous acid
060102	hydrochloric acid
060103	hydrofluoric acid
060104	phosphoric and phosphorous acid
060105	nitric acid and nitrous acid
060199	wastes not otherwise specified
0602	ALKALINE SOLUTIONS
060201	calcium hydroxide
060202	soda
060203	ammonia
060299	wastes not otherwise specified
0603	WASTE SALTS AND THEIR SOLUTIONS
060311	salts and solutions containing cyanides
0604	METAL-CONTAINING WASTES
060402	metallic salts (except 0603)
060403	wastes containing arsenic
060404	wastes containing mercury

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<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
060405	wastes containing heavy metals
0607	WASTES FROM HALOGEN CHEMICAL PROCESSES
060701	wastes containing asbestos from electrolysis
060702	activated carbon from chlorine production
0613	WASTES FROM OTHER INORGANIC CHEMICAL PROCESSES
061301	inorganic pesticides, biocides and wood preserving agents
061302	spent activated carbon (except 060702)
07	WASTES FROM ORGANIC CHEMICAL PROCESSES
0701	WASTE FROM THE MANUFACTURE, FORMULATION, SUPPLY AND USE (MFSU) OF BASIC ORGANIC CHEMICALS
070101	aqueous washing liquids and mother liquors
070103	organic halogenated solvents, washing liquids and mother liquors
070104	other organic solvents, washing liquids and mother liquors
070107	halogenated still bottoms and reaction residues
070108	other still bottoms and reaction residues
070109	halogenated filter cakes, spent absorbents
070110	other filter cakes, spent absorbents
0702	WASTE FROM THE MFSU OF PLASTICS, SYNTHETIC RUBBER AND MAN-MADE FIBRES
070201	aqueous washing liquids and mother liquors
070203	organic halogenated solvents, washing liquids and mother liquors
070204	other organic solvents, washing liquids and mother liquors
070207	halogenated still bottoms and reaction residues
070208	other still bottoms and reaction residues
070209	halogenated filter cakes, spent absorbents
070210	other filter cakes, spent absorbents

<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
0703	WASTE FROM THE MFSU OF ORGANIC DYES AND PIGMENTS (EXCLUDING 0611)
070301	aqueous washing liquids and mother liquors
070303	organic halogenated solvents, washing liquids and mother liquors
070304	other organic solvents, washing liquids and mother liquors
070307	halogenated still bottoms and reaction residues
070308	other still bottoms and reaction residues
070309	halogenated filter cakes, spent absorbents
070310	other filter cakes, spent absorbents
0704	WASTE FROM THE MFSU OF ORGANIC PESTICIDES (EXCEPT 020105)
070401	aqueous washing liquids and mother liquors
070403	organic halogenated solvents, washing liquids and mother liquors
070404	other organic solvents, washing liquids and mother liquors
070407	halogenated still bottoms and reaction residues
070408	other still bottoms and reaction residues
070409	halogenated filter cakes, spent absorbents
070410	other filter cakes, spent absorbents
0705	WASTE FROM THE MFSU OF PHARMACEUTICALS
070501	aqueous washing liquids and mother liquors
070503	organic halogenated solvents, washing liquids and mother liquors
070504	other organic solvents, washing liquids and mother liquors
070507	halogenated still bottoms and reaction residues
070508	other still bottoms and reaction residues
070509	halogenated filter cakes, spent absorbents
070510	other filter cakes, spent absorbents
0706	WASTE FROM THE MFSU OF FATS, GREASE, SOAPS, DETERGENTS, DISINFECTANTS AND COSMETICS
070601	aqueous washing liquids and mother liquors

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<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
070603	organic halogenated solvents, washing liquids and mother liquors
070604	other organic solvents, washing liquids and mother liquors
070607	halogenated still bottoms and reaction residues
070608	other still bottoms and reaction residues
070609	halogenated filter cakes, spent absorbents
070610	other filter cakes, spent absorbents
0707	WASTE FROM THE MFSU OF FINE CHEMICALS AND CHEMICAL PRODUCTS NOT OTHERWISE SPECIFIED
070701	aqueous washing liquids and mother liquors
070703	organic halogenated solvents, washing liquids and mother liquors
070704	other organic solvents, washing liquids and mother liquors
070707	halogenated still bottoms and reaction residues
070708	other still bottoms and reaction residues
070709	halogenated filter cakes, spent absorbents
070710	other filter cakes, spent absorbents
08	WASTES FROM THE MANUFACTURE, FORMULATION, SUPPLY AND USE (MFSU) OF COATINGS (PAINTS, VARNISHES AND VITREOUS ENAMELS), ADHESIVE, SEALANTS AND PRINTING INKS
0801	WASTES FROM MFSU OF PAINT AND VARNISH
080101	waste paints and varnish containing halogenated solvents
080102	waste paints and varnish free of halogenated solvents
080106	sludges from paint or varnish removal containing halogenated solvents
080107	sludges from paint or varnish removal free of halogenated solvents
0803	WASTES FROM MFSU OF PRINTING INKS
080301	waste ink containing halogenated solvents
080302	waste ink free of halogenated solvents

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<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
080305	ink sludges containing halogenated solvents
080306	ink sludges free of halogenated solvents
0804	WASTES FROM MFSU OF ADHESIVE AND SEALANTS (INCLUDING WATER-PROOFING PRODUCTS)
080401	waste adhesives and sealants containing halogenated solvents
080402	waste adhesives and sealants free of halogenated solvents
080405	adhesives and sealants sludges containing halogenated solvents
080406	adhesives and sealants sludges free of halogenated solvents
09	WASTES FROM THE PHOTOGRAPHIC INDUSTRY
0901	WASTES FROM PHOTOGRAPHIC INDUSTRY
090101	water based developer and activator solutions
090102	water based offset plate developer solutions
090103	solvent based developer solutions
090104	fixer solutions
090105	bleach solutions and bleach fixer solutions
090106	waste containing silver from on-site treatment of photographic waste
10	INORGANIC WASTES FROM THERMAL PROCESSES
1001	WASTES FROM POWER STATION AND OTHER COMBUSTION PLANTS (EXCEPT 1900)
100104	oil fly ash
100109	sulphuric acid
1003	WASTES FROM ALUMINIUM THERMAL METALLURGY
100301	tars and other carbon-containing wastes from anode manufacture
100303	skimmings
100304	primary smelting slags/white drosses
100307	spent pot lining

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<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
100308	salt slags from secondary melting
100309	black drosses from secondary smelting
100310	waste from treatment of salt slags and black drosses treatment
1004	WASTES FROM LEAD THERMAL METALLURGY
100401	slags (1st and 2nd smelting)
100402	dross and skimmings (1st and 2nd smelting)
100403	calcium arsenate
100404	flue gas dust
100405	other particulates and dust
100406	solid waste from gas treatment
100407	sludges from gas treatment
1005	WASTES FROM ZINC THERMAL METALLURGY
100501	slags (1st and 2nd smelting)
100502	dross and skimmings (1st and 2nd smelting)
100503	flue gas dust
100505	solid waste from gas treatment
100506	sludges from gas treatment
1006	WASTES FROM COPPER THERMAL METALLURGY
100603	flue gas dust
100605	waste from electrolytic refining
100606	solid waste from gas treatment
100607	sludges from gas treatment
11	INORGANIC WASTE WITH METALS FROM METAL TREATMENT AND THE COATING OF METALS; NON-FERROUS HYDRO-METALLURGY
1101	LIQUID WASTES AND SLUDGES FROM METAL TREATMENT AND COATING OF METALS (E.G. GALVANIC PROCESSES, ZINC COATING PROCESSES, PICKLING PROCESSES, ETCHING, PHOSPHATIZING, ALKALINE DE-GREASING)
110101	cyanidic (alkaline) wastes containing heavy metals other than chromium

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<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
110102	cyanidic (alkaline) wastes which do not contain heavy metals
110103	cyanide-free wastes containing chromium
110105	acidic pickling solutions
110106	acids not otherwise specified
110107	alkalis not otherwise specified
110108	phosphatizing sludges
1102	WASTES AND SLUDGES FROM NON-FERROUS HYDROMETALLURGICAL PROCESSES
110202	sludges from zinc hydrometallurgy (including jarosite, goethite)
1103	SLUDGES AND SOLIDS FROM TEMPERING PROCESSES
110301	wastes containing cyanide
110302	other wastes
12	WASTES FROM SHAPING AND SURFACE TREATMENT OF METALS AND PLASTICS
1201	WASTES FROM SHAPING (INCLUDING FORGING, WELDING, PRESSING, DRAWING, TURNING, CUTTING AND FILING)
120106	waste machining oils containing halogens (not emulsified)
120107	waste machining oils free of halogens (not emulsified)
120108	waste machining emulsions containing halogens
120109	waste machining emulsions free of halogens
120110	synthetic machining oils
120111	machining sludges
120112	spent waxes and fats
1203	WASTES FROM WATER AND STEAM DEGREASING PROCESSES (EXCEPT 1100)
120301	aqueous washing liquids
120302	steam degreasing wastes
13	OIL WASTES (EXCEPT EDIBLE OILS, 0500 AND 1200)

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<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
1301	WASTE HYDRAULIC OILS AND BRAKE FLUIDS
130101	hydraulic oils, containing PCB's or PCT's
130102	other chlorinated hydraulic oils (not emulsions)
130103	non-chlorinated hydraulic oils (not emulsions)
130104	chlorinated emulsions
130105	non-chlorinated emulsions
130106	hydraulic oils containing only mineral oil
130107	other hydraulic oils
130108	brake fluids
1302	WASTE ENGINE, GEAR AND LUBRICATING OILS
130201	chlorinated engine, gear and lubricating oils
130202	non-chlorinated engine, gear and lubricating oils
130203	other machine, gear and lubricating oils
1303	WASTE INSULATING AND HEAT TRANSMISSION OILS AND OTHER LIQUIDS
130301	insulating or heat transmission oils and other liquids containing PCB's or PCT's
130302	other chlorinated insulating and heat transmission oils and other liquids
130303	non-chlorinated insulating and heat treatment transmission oils and other liquids
130304	synthetic insulating and heat transmission oils and other liquids
130305	mineral insulating and heat transmission oils
1304	BILGE OILS
130401	bilge oils from inland navigation
130402	bilge oils from jetty sewers
130403	bilge oils from other navigation
1305	OIL/WATER SEPARATOR CONTENTS
130501	oil/water separator solids
130502	oil/water separator sludges
130503	interceptor sludges
130504	desalter sludges or emulsions

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<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
130505	other emulsions
1306	OIL WASTE NOT OTHERWISE SPECIFIED
130601	oil waste not otherwise specified
14	WASTES FROM ORGANIC SUBSTANCES EMPLOYED AS SOLVENTS (EXCEPT 0700 AND 0800)
1401	WASTES FROM METAL DEGREASING AND MACHINERY MAINTENANCE
140101	chlorofluorocarbons
140102	other halogenated solvents and solvent mixes
140103	other solvents and solvent mixes
140104	aqueous solvent mixes containing halogens
140105	aqueous solvent mixes free of halogens
140106	sludges or solid wastes containing halogenated solvents
140107	sludges or solid wastes free of halogenated solvents
1402	WASTES FROM TEXTILE CLEANING AND DEGREASING OF NATURAL PRODUCTS
140201	halogenated solvents and solvent mixes
140202	solvent mixes or organic liquids free of halogenated solvents
140203	sludges or solid wastes containing halogenated solvents
140204	sludges or solid wastes containing other solvents
1403	WASTES FROM THE ELECTRONIC INDUSTRY
140301	chlorofluorocarbons
140302	other halogenated solvents
140303	solvents and solvent mixes free of halogenated solvents
140304	sludges or solid wastes containing halogenated solvents
140305	sludges or solid wastes containing other solvents
1404	WASTES FROM COOLANTS, FOAM/ AEROSOL PROPELLANTS

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<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
140401	chlorofluorocarbons
140402	other halogenated solvents and solvent mixes
140403	other solvents and solvent mixes
140404	sludges or solid wastes containing halogenated solvents
140405	sludges or solid wastes containing other solvents
1405	WASTES FROM SOLVENT AND COOLANT RECOVERY (STILL BOTTOMS)
140501	chlorofluorocarbons
140502	halogenated solvents and solvent mixes
140503	other solvents and solvent mixes
140504	sludges containing halogenated solvents
140505	sludges containing other solvents
16	WASTES NOT OTHERWISE SPECIFIED IN THE CATALOGUE
1602	DISCARDED EQUIPMENT AND SHREDDER RESIDUES
160201	transformers and capacitors containing PCB's or PCT's
1604	WASTE EXPLOSIVES
160401	waste ammunition
160402	fireworks waste
160403	other waste explosives
1606	BATTERIES AND ACCUMULATORS
160601	lead batteries
160602	Ni-Cd batteries
160603	mercury dry cells
160606	electrolyte from batteries and accumulators
1607	WASTE FROM TRANSPORT AND STORAGE TANK CLEANING (EXCEPT 0500 AND 1200)
160701	waste from marine transport tank cleaning, containing chemicals
160702	waste from marine transport tank cleaning, containing oil

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<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
160703	waste from railway and road transport tank cleaning containing oil
160704	waste from railway and road transport tank cleaning containing chemicals
160705	waste from storage tank cleaning, containing chemicals
160706	waste from storage tank cleaning, containing oil
17	CONSTRUCTION AND DEMOLITION WASTE (INCLUDING ROAD CONSTRUCTION)
1706	INSULATION MATERIALS
170601	insulation material containing asbestos
18	WASTES FROM HUMAN OR ANIMAL HEALTH CARE AND/OR RELATED RESEARCH (EXCLUDING KITCHEN AND RESTAURANT WASTES WHICH DO NOT ARISE FROM IMMEDIATE HEALTH CARE)
1801	WASTE FROM NATAL CARE, DIAGNOSIS, TREATMENT OR PREVENTION OF DISEASE IN HUMANS
180103	other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection
1802	WASTE FROM RESEARCH, DIAGNOSIS, TREATMENT OR PREVENTION OF DISEASE INVOLVING ANIMALS
180202	other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection.
180204	discarded chemicals
19	WASTES FROM WASTE TREATMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE WATER INDUSTRY
1901	WASTES FROM INCINERATION OR PYROLYSIS OF MUNICIPAL AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES
190103	fly ash
190104	boiler dust

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<i>Waste code (6 digits)/ Chapter Heading (2 and 4 digits)</i>	<i>Description</i>
190105	filter cake from gas treatment
190106	aqueous liquid waste from gas treatment and other aqueous liquid wastes
190107	solid waste from gas treatment
190110	spent activated carbon from flue gas treatment
1902	WASTES FROM SPECIFIC PHYSICO/CHEMICAL TREATMENTS OF INDUSTRIAL WASTES (EG DECHROMATATION, DECYANIDATION, NEUTRALIZATION)
190201	metal hydroxide sludges and other sludges from metal insolubilization treatment
1904	VITRIFIED WASTES AND WASTES FROM VITRIFICATION
190402	fly ash and other flue gas treatment wastes
190403	non-vitrified solid phase
1908	WASTES FROM WASTE WATER TREATMENT PLANTS NOT OTHERWISE SPECIFIED
190803	grease and oil mixture from oil/waste water separation
190806	saturated or spent ion exchange resins
190807	solutions and sludges from regeneration of ion exchangers
20	MUNICIPAL WASTES AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES INCLUDING SEPARATELY COLLECTED FRACTIONS
2001	SEPARATELY COLLECTED FRACTIONS
200112	paints, inks, adhesives and resins
200113	solvents
200117	photo chemicals
200119	pesticides
200121	fluorescent tubes and other mercury containing waste

Part II

HAZARDOUS PROPERTIES

H1	“Explosive”: substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
H2	“Oxidizing”: substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
H3-A	“Highly flammable”: <ul style="list-style-type: none">— liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or— substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or— solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or— gaseous substances and preparations which are flammable in air at normal pressure, or— substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.
H3-B	“Flammable”: liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.
H4	“Irritant”: non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
H5	“Harmful”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
H6	“Toxic”: substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

H7	“Carcinogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
H8	“Corrosive”: substances and preparations which may destroy living tissue on contact.
H9	“Infectious”: substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.
H10	“Teratogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.
H11	“Mutagenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.
H12	Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.
H13	Substances and preparations capable by any means, after disposal, of yielding another substance, eg a leachate, which possesses any of the characteristics listed above.
H14	“Ecotoxic”: substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

Part III

THRESHOLDS FOR CERTAIN HAZARDOUS PROPERTIES

In the waste:

- the total concentration of substances classified as irritant and having assigned to them any of the risk phrases R36 (“irritating to the eyes”), R37 (“irritating to the respiratory system”) or R38 (“irritating to the skin”) is equal to or greater than 20%;
- the total concentration of substances classified as irritant and having assigned to them the risk phrase R41 (“risk of serious damage to eyes”) is equal to or greater than 10%;
- the total concentration of substances classified as harmful is equal to or greater than 25%;
- the total concentration of substances classified as very toxic is equal to or greater than 0.1%;
- the total concentration of substances classified as toxic is equal to or greater than 3%;

- the total concentration of substances classified as carcinogenic and placed by the approved classification and labelling guide in category 1 or 2 of that classification is equal to or greater than 0.1%;
- the total concentration of substances classified as corrosive and having assigned to them the risk phase R34 (“causes burns”) is equal to or greater than 5%; and
- the total concentration of substances classified as corrosive and having assigned to them the risk phase R35 (“causes severe burns”) is equal to or greater than 1%.

Part IV

RULES FOR THE INTERPRETATION OF THIS SCHEDULE

1. Except in the case of a substance listed in the approved supply list, the test methods to be used for the purposes of deciding which (if any) of the properties mentioned in Part II of this Schedule are to be assigned to a substance are those described in Annex V to Council Directive [67/548/EEC](#)(**25**), as amended by Commission Directive [92/69/EEC](#)(**26**).
2. Any reference in Part III of this Schedule to a substance being classified as having a hazardous property, having assigned to it a particular risk phase, or being placed within a particular category of a classification is a reference to that substance being so classified, having that risk phrase assigned to it or being placed in that category—
 - (i) in the case of a substance listed in the approved supply list, on the basis of Part V of that list;
 - (ii) in the case of any other substance, on the basis of the criteria laid down in the approved classification and labelling guide.
3. Any reference in Part III of this Schedule to the total concentration of any substances being equal to or greater than a given percentage is a reference to the proportion by weight of those substances in any waste being equal to or, as the case may be, greater than that percentage.

SCHEDULE 3

Regulation 21

Amendment of Schedule 6 to the Waste Collection and Disposal Regulations (Northern Ireland) 1992

Schedule 6 to the Waste Collection and Disposal Regulations (Northern Ireland) 1992(**27**) shall be amended as follows—

- (a) Delete paragraphs 1 and 2.
- (b) After paragraph 16A, insert the following—

“16B. The deposit of waste where the activity is or forms part of an operation which is for the time being either the subject of a licence under Part II of the Food and Environment Protection Act 1985(**28**), or carried on in circumstances where such a licence would be required but for an order under Section 7 of that Act.

(25) O.J. No. L196, 16.8.67, p. 1

(26) O.J. No. L383, 29.12.92, p. 1

(27) [S.R. 1992 No. 254](#)

(28) [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 ([1990 c. 43](#))

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16C. The deposit of liquid waste under a consent under Sections 7 and 8 of the Water Act (Northern Ireland) 1972⁽²⁹⁾.

16D. The deposit of waste in accordance with a certificate of registration under the Alkali, &c. Works Regulation Act 1906⁽³⁰⁾ or an authorisation granted under the Industrial Pollution Control (Northern Ireland) Order 1997⁽³¹⁾ where such deposit is or forms part of a prescribed process designated for integrated central control under Article 3(4) of that Order, provided that, in either case, the deposit does not involve the final disposal by deposit in or on land of controlled waste.”.

(c) After paragraph 23, insert the following—

“24. Incinerating waste in accordance with a certificate of registration under the Alkali, &c. Works Regulation Act 1906 or an authorisation granted under the Industrial Pollution Control (Northern Ireland) Order 1997 where such incineration is or forms part of a prescribed process described in Part B or paragraph (a) of Part C of Section 5.1 of the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998⁽³²⁾, insofar as the activity results in releases of substances into the air, provided that, in either case, the activity does not involve the final disposal by deposit in or on land of controlled waste.”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide a new definition of special waste. They make provision for handling such waste and for implementing Council Directive [91/689/EEC](#) on hazardous waste (O.J. No. L377, 31.12.91, p. 20) (“the Directive”).

Regulation 2 defines special waste, making reference to Parts I, II and III of Schedule 2. This is to implement the definition of hazardous waste in the Directive and in particular in the List annexed to Council Decision [94/904/EC](#) (O.J. No. L356, 31.12.94, p. 14). The definition extends, in accordance with Article 1.4 of the Directive, to certain other waste considered to display particular hazardous properties. Household waste is excluded from the definition.

Regulation 3 applies Article 30 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (Special provision with respect to certain dangerous or intractable waste) to empower the Department of the Environment to make provision for waste which would be controlled waste but for the fact that it is radioactive waste within the meaning of the Radioactive Substances Act 1993 and brings radioactive waste within the Regulations.

Regulation 4 requires the Department to give unique codes to be applied to consignments of waste or to carrier’s rounds. These codes are to be shown, together with other required information, on consignment notes which are to accompany the waste when transported. The Department may delay assignment of a code until any fee required in respect of it has been paid. The provisions on codes do not implement any specific Community obligation.

⁽²⁹⁾ 1972 c. 5

⁽³⁰⁾ 1906 c. 14 as amended by S.R. 1991 No. 49, S.R. 1994 No. 104, S.R. 1994 No. 192 and S.R. 1994 No. 444

⁽³¹⁾ S.I. 1997/2777 (N.I. 18)

⁽³²⁾ S.R. 1998 No. 28

Regulations 5 to 12 and Schedule 1 provide for the completion and handling of consignment notes and for pre-notification to the Department of the consignment or carrier's round. Carrier's rounds consist of several consignments collected on the same journey and delivered to one place. Regulation 8 makes special provision in respect of the documentation required in connection with "carrier's rounds". Completion of such identification forms and their transport with waste are required by Article 5 of the Directive. The pre-notification provisions (regulations 5(2)(b), 8(2)(a)(ii) and 11) are not implementing specific Community obligations.

Regulation 13 makes provision for the payment of fees in connection with the supply of codes under regulation 4. The amount is generally £24 per consignment or round and £10 where the waste consists entirely of lead acid batteries. Rounds of low quantity fulfilling certain conditions attract no fees. Where a code is given before a fee is paid for it, the person who requested the code is to pay the fee within two months of that request. Regulation 13 does not implement a Community obligation.

Regulation 14 implements Article 4.3 of the Directive on the keeping of records by those consigning and carrying hazardous waste. They are both required to keep the documents for three years, although the Directive only requires carriers to keep records for at least twelve months. Together with regulation 15, it also implements the requirements of Article 2.1 of the Directive on the keeping of records for sites where hazardous waste is deposited.

Regulation 16 prohibits the mixing of special waste with other waste or other categories of special waste except where this is authorised under, or exempted from the effect of, certain other waste legislation. This regulation is to implement Articles 2.2 and 2.3 of the Directive.

Regulation 17 makes failure to comply with the Regulations a criminal offence except for an authorised person. There is a defence for those who take certain steps in cases of emergency or grave danger. The Department is made responsible by regulation 18 for supervising activities and persons subject to the Regulations. Insofar as they relate to provisions which implement Community obligations (as stated in this Note), these provisions are part of that implementation because their purpose is to make the implementation effective. Regulation 19 implements Article 4.1 of the Directive by the inspecting of producers of special waste by the Department.

Regulations 20 to 22 and Schedule 3 make consequential amendments to, and revocations and savings in respect of, other legislation. Regulation 20 makes consequential amendment to regulations implementing Directive [85/337/EEC](#). Regulations 21 and 22 do not implement Community obligations.