
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 289

The Special Waste Regulations (Northern Ireland) 1998

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⁽¹⁾ 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⁽²⁾ 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;

“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)”⁽³⁾ approved by the Department of Economic Development for the purposes of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995⁽⁴⁾;

“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”⁽⁵⁾ 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;

(1) 1954 c. 33 (N.I.)

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

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

(4) S.R. 1995 No. 60, relevant amendments are S.R. 1996 No. 376 and S.R. 1997 No. 398

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

“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(6);

“the Hazardous Waste Directive” means Council Directive 91/689/EEC on hazardous waste, as amended by Council Directive 94/31/EC(7);

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

- (a) asbestos;
- (b) waste from a laboratory;
- (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(8) 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—

(6) S.R. 1991 No. 509

(7) 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)

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

- (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⁽⁹⁾ (meaning of “medicinal product” etc), of a description, or falling within a class, specified in an order under section 58 of that Act⁽¹⁰⁾ (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⁽¹¹⁾; and paragraphs (1) and (2) of regulation 2 shall apply to any such waste as if it were controlled waste.

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;

⁽⁹⁾ 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)

⁽¹⁰⁾ Section 58 is amended by section 1 of the Medicinal Products: Prescription by Nurses etc. Act 1992 (1992 c. 28)

⁽¹¹⁾ 1993 c. 12

- (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](#)(**12**), 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(**13**), 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(**14**).

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—

- (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.

(12) 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)

(13) S.R. 1992 No. 254

(14) S.I. 1986/1032 (N.I. 6) as amended by S.I. 1990/1504 (N.I. 10) Article 62

- (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(15), 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⁽¹⁶⁾, or his authorisation under the Industrial Pollution Control (Northern Ireland) Order 1997⁽¹⁷⁾ 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.

⁽¹⁶⁾ 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

⁽¹⁷⁾ S.I. 1997/2777 (N.I. 18)

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⁽¹⁸⁾ 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.

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

⁽¹⁸⁾ S.R. 1981 No. 252

(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⁽¹⁹⁾, 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”);

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

(b) paragraphs (3) and (4) of regulation 18 of the Transfrontier Shipment of Waste Regulations 1994(20).

(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