
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 416

**The Landfill Allowances Scheme
(Northern Ireland) Regulations 2004**

PART 2

**ALLOCATION AND THE BORROWING AND
TRANSFER OF LANDFILL ALLOWANCES**

Borrowing of landfill allowances

6.—(1) A district council may borrow for use in a scheme year up to 5% of the landfill allowances available to it for the following scheme year (rounded down to the nearest whole allowance).

(2) Paragraph (1) does not apply –

- (a) in a target year,
- (b) where the following year is a target year.

(3) Where a district council intends to borrow a landfill allowance it must submit a borrowing request to the monitoring authority before the end of the reconciliation period for the scheme year.

(4) A borrowing request must –

- (a) be made on the form provided by the monitoring authority; and
- (b) specify –

- (i) the name of the district council, and
- (ii) the number of landfill allowances which it intends to borrow.

(5) The monitoring authority is not required to consider a borrowing request unless it is made in accordance with paragraph (4).

(6) If the conditions in paragraph (8) are satisfied the monitoring authority must –

- (a) remove the number of landfill allowances specified in the borrowing request from the part of the district council's landfill allowance account relating to the following scheme year;
- (b) include those allowances in the part of the account relating to the scheme year; and
- (c) notify the district council which made the request –
 - (i) that its request has been accepted, and
 - (ii) of the amendments that have been made to its landfill allowance account.

(7) If the conditions in paragraph (8) are not satisfied the monitoring authority must notify the district council –

- (a) that its request has not been accepted, and
- (b) of the reasons why.

(8) The conditions referred to in paragraphs (6) and (7) are that –

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- (a) the borrowing request complies with paragraph (2),
- (b) the number of landfill allowances specified in the request are available to the district council for the following scheme year,
- (c) accepting the borrowing request would not cause the district council to exceed the limit on borrowing under paragraph (1), and
- (d) the district council is not suspended from borrowing landfill allowances under regulation 8.