

SCHEDULE

Interpretation of the Schedule

1.—(1) In this Schedule the following definitions apply—

“agricultural waste” means waste from premises used for agriculture within the meaning of the Agriculture Act (Northern Ireland) 1949;

“camp site” means land on which tents are pitched for the purpose of human habitation and land the use of which is incidental to that purpose;

“charity shop” means a premises used wholly or mainly for the sale of goods donated to a charity where the proceeds of sale (after deduction of expenses) are applied for the purposes of a charity;

“clinical waste” means waste from a healthcare activity (from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation, treatment, care, teaching or research) that—

- (a) contains viable micro-organisms or their toxins which are known or reliably believed to cause disease in humans or other living organisms;
- (b) contains or is contaminated with drugs or medicine that contains a biologically active pharmaceutical agent; or
- (c) is a sharp, swab or dressing, or a body fluid or other biological material (including human and animal tissue) containing or contaminated with a dangerous substance within the meaning of Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽¹⁾, and waste of a similar nature from a non-healthcare activity;

“construction” includes improvement, repair or alteration;

“controlled waste” means household, industrial and commercial waste or any such waste;

“Directive waste” has the same meaning as in regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003⁽²⁾;

“European Waste Catalogue” means the list of waste belonging to the categories listed in the List of Wastes Regulations (Northern Ireland) 2005⁽³⁾;

“factory” has the meaning given in Section 175 of the Factories Act (Northern Ireland) 1965⁽⁴⁾;

“general medical practitioner” means a person registered in the General Practitioner Register kept by the General Medical Council under Section 34 of the Medical Act 1983⁽⁵⁾;

“hazardous waste” has the same meaning as given in regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005⁽⁶⁾ (waste which displays one or more of the hazardous properties listed in Annex III of the Waste Framework Directive);

“Irish Traveller Community” means the community of people as described in Article 5 of the Race Relations (Northern Ireland) 1997 Order⁽⁷⁾;

(1) OJ No L 196, 16.8.1967 as amended by Regulation (EC) No. 1272/2008 and Commission Directive 2009/2/EC

(2) S.R. 2003 No. 493 as amended

(3) S.R. 2005 No. 301

(4) S.I.1965 c. 20 as amended by S.I. 1970 c.46 and 1971 c. 11

(5) S.I. 1983 c. 54 Section 34c was inserted by S.I. 2010/224 Article 4 and Schedule 1, paragraph 10

(6) S.R. 2005 No. 300

(7) S.I. 1997 No. 869 (N.I. 6)

Status: This is the original version (as it was originally made).

“mixed hereditament” means a hereditament which is used partly for the purposes of a dwelling house as defined in Schedule 5 to the Rates (Northern Ireland) Order 1977⁽⁸⁾ and partly for other purposes;

“not for profit body” means a body which, by virtue of its constitution or any enactment—

- (a) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or public purposes; and
- (b) is prohibited from directly or indirectly distributing among its members any part of its assets (otherwise than for charitable or public purposes);

“offensive waste” means waste that—

- (a) is not clinical waste;
- (b) contains body fluids, secretions or excretions; and
- (c) falls within code 18 01 04, 18 02 03 or 20 01 99 in Schedule 1 to the List of Wastes (Northern Ireland) Regulations 2005⁽⁹⁾;

“scientific research association” has the meaning given in Section 469 of the Corporation Tax Act 2010⁽¹⁰⁾;

“scrap metal” means any waste metal, and any broken, worn out, defaced or partly manufactured articles made wholly or partly of metal and any metallic wastes, and also includes old, broken, worn out or defaced tooltips or dies made of any of the materials commonly known as hard metal or of cemented or sintered metallic carbides;

“septic tank sludge” means residual sludge from septic tanks and other similar installations for the treatment of sewage;

“sludge” means residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters;

“The Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council, on waste⁽¹¹⁾;

“transferor” and “transferee” means respectively, in relation to a transfer of controlled waste by a person who is subject to the duty imposed by Article 5 of the 1997 Order, the person who in compliance with that Article transfers a written description of the waste and the person who receives that description;

“vessel” includes a hovercraft within the meaning of Section 4(1) of the Hovercraft Act 1968⁽¹²⁾;

“waste oils” means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;

“waste solvent” means solvent which is contaminated, spoiled or otherwise unfit for its original purpose.

(8) S.I. 1977 No. 2157 (N.I. 28)

(9) S.R. 2005 No. 301

(10) S.I. 2010 c. 4 Part 2 chapter 1

(11) OJ No L 312, 22.11.08

(12) S.I. 1969 c. 59