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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 14**

**The Food Waste Regulations (Northern Ireland) 2015**

**Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003**

5.—(1) The Waste Management Licensing Regulations (Northern Ireland) 2003 are amended as follows.

(2) After regulation 11C (Conditions of waste management licences: calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators), insert—

**“Conditions of waste management licences: separately collected food waste**

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

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

(3) After regulation 20 (Refusal, revocation and cessation of registration), insert—

**“Food waste exemptions from waste management licensing**

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

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

(4) In Schedule 2 Part 1 (Activities exempt from waste management licensing)—

(a) in paragraph 13—

(i) in sub-paragraph (1)(a), after “composting” insert “of food waste at the premises of a food business and”

(ii) after sub-paragraph (4) insert—

“(5) For the purposes of this paragraph—

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

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

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

(b) in paragraph 40—

(i) at the end of sub-paragraph (1)(b), omit “and”; and

(ii) at the end of sub-paragraph (1)(c), omit “.” and insert—

“; and

(d) the person storing the waste ensures that no waste collected and transported in accordance with Article 5(2E) of the 1997 Order is mixed with any other waste or any material, to the extent that mixing would hamper future recycling.”.