

EXPLANATORY MEMORANDUM TO
The Waste Management Licensing (Amendment) Regulations (Northern Ireland)
2015

SR 2015 No. 301

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 3(5) of the Waste and Contaminated Land (Northern Ireland) Order 1997 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Department has introduced The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2015, which amend the Waste Management Licensing Regulations (Northern Ireland) 2003. The purpose of the Regulations is to update the technical competence element of the Fit and Proper Person test

3. Background

- 3.1. The Regulations update the requirement for a waste management operator to obtain an appropriate level of competence. This is achieved by replacing the outdated Certificates of Technical Competence (CoTC) with a new list of competencies, known as Operator Competence Certificates (OCC).
- 3.2. Other proposals include measures to:
 - 3.3. reduce the time provided to obtain a relevant certificate(s) from two years to one;
 - 3.4. require existing operators to obtain up-to-date certification within 24 months of the date of operation of the Regulations;
 - 3.5. require certification to be renewed every two years; and
 - 3.6. remove regulations that are no longer extant and exclusions for certain activities (eg, scrap metal dealers) from the need to prove that one is technically competent and a fit and proper person will be removed.

4. Consultation

- 4.1. The Department issued a consultation document on 29 January 2015. The purpose of the consultation, which ran until 23 April 2015, was to seek views on its proposed amendments to the Waste Management Licensing Regulations (Northern Ireland) 2003 (the 2003 Regulations). There were 7 responses to the consultation. All respondents supported the overall policy.

5. Equality Impact

- 5.1. It was determined at the time of consultation that changes made by this Rule would have no impact in terms of Section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. A partial regulatory impact assessment was completed prior to the consultation period.

7. Financial Implications

- 7.1. There will be a slight increase in costs to the industry associated with the proposed changes. The renewal of certification will cost between £120 and £225 every two years, dependent on the operation involved and on the level of certification required.
- 7.2. Tighter controls on those involved in the waste industry and their technical competency reduces the potential for costly criminal activity.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. These Regulations are deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Introduction of the proposed Regulations ensures better compliance with the requirements of the Waste Framework Directive and protects legitimate waste operators.

10. Parity or Replicatory Measure

- 10.1. The relevant legislation in England and Wales is the Environmental Permitting (England and Wales) Regulations 2007 (as amended) and in Scotland it is the Waste Management Licensing Regulations (Scotland) 2011.

11. Additional Information

- 11.1. Not applicable.