

**2017 No. 202**

**ENVIRONMENTAL PROTECTION**

**The Waste Management Licensing (Amendment) Regulations  
(Northern Ireland) 2017**

*Made* - - - - - *29th September 2017*

*Coming into operation* - - - - - *1st November 2017*

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by Article 3(3)(a) of the Waste and Contaminated Land (Northern Ireland) Order 1997(a), makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation on 1st November 2017.

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

2. In the Waste Management Licensing Regulations (Northern Ireland) 2003(b) for Schedule 6 substitute—

**“SCHEDULE 6**

Regulation 2

**Prescribed Offences**

1. The offences to be regarded as prescribed offences for the purposes of Article 3(3)(a) of the 1997 Order are listed in Tables 1-3—

**Table 1**

**Relevant Environmental Offences**

<i>Number</i>	<i>Offence(s)</i>
1.	Articles 33(4) and 36(1) of and paragraph 9 of Schedule 5, paragraph 5(a) and paragraph 9(2) of Schedule 6 and Part 1, paragraph 14(5) of Schedule 7 to the Drainage (Northern Ireland) Order 1973(c)
2.	Articles 29(1) and 72(3) of the Pollution Control and Local Government (Northern Ireland) Order 1978(d)

(a) S.I. 1997/2778 (N.I. 19). Relevant amending Regulations are S.R. 2003 No.489, S.R. 2006 No.280, S.R. 2007 No.611, S.R. 2009 No.254, 2011 c.5, S.R. 2011 No.127 and S.R. 2015 No.14

(b) S.R. 2003 No.493. Relevant amendments S.R. 2011 No. 127

(c) S.R. 1973 No.69 (N.I. 1)

(d) 1978 No. 1049 (N.I. 19)

3.	Articles 4(6), 5(8), 5E(7), 5E(9), 6(7), 12(12), 12(13), 15(5A), 18(1), 18(2), 21(6), 22(6), 27(5), 28(5), 29(3), 31(2), 38(1), 42(4), 44(2), 74(1), 74(2) and 74(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997
4.	Articles 7(1), 7(4), 12(3), 19(1), 28(3) and 29 of the Water (Northern Ireland) Order 1999(a)
5.	Regulations 12(1), 12(2), 12(3) and 12(4) of the Environmental Protection (Disposal of Polychlorinated Biphenyls and Other Dangerous Substances) Regulations (Northern Ireland) 2000(b)
6.	Articles 20(1), 20(2) and 20(3) of the Environment (Northern Ireland) Order 2002(c)
7.	Regulation 12 of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (Northern Ireland) 2003(d)
8.	Regulations 31, 42(1) and 42(2) of the End of Life Vehicles Regulations 2003(e)
9.	Regulations 18(1) and 22(1) of and paragraphs 12(1), 12(2), 14(5), 14(7) and 14(8) of Part 1 of Schedule 3 to the Waste Management Licensing Regulations (Northern Ireland) 2003
10.	Regulation 17(1) of the Landfill Regulations (Northern Ireland) 2003(f)
11.	Regulations 43(1), 43(4) and 43(5) of the Hazardous Waste Regulations (Northern Ireland) 2005(g)
12.	Regulation 6(1) of the Radioactive Contaminated Land Regulations (Northern Ireland) 2006(h)
13.	Regulations 18(10), 24(1) and 24(2) of the Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006(i)
14.	Regulations 40(1), 40(3), 40(4), 40(5), 40(6), 40(7) and 40(8) of the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007(j)
15.	Regulations 17, 18, 19(2), 21, 22(2), 23, 24(2), 25, 26, 31, 32(2), 36, 37(2), 38(2), 38(3), 38(4), 39(2), 40(2), 41(2), 42(2), 43, 44(2), 45(2), 52(1), 53, 54, 55 and 57 of the Transfrontier Shipment of Waste Regulations 2007(k)
16.	Regulation 42(1) of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008(l)
17.	Regulations 89(1), 89(2), 89(3), 89(4), 89(5) and 89(6) of the Waste Batteries and Accumulators Regulations 2009(m)
18.	Regulations 9(3), 10(3), 17(4), 26(14) and 27 of the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009(n)
19.	Regulations 19(1), 24(3) and 25(3) of the Groundwater Regulations (Northern Ireland) 2009(o)

(a) 1999/662 (N.I. 6) as amended by S.I. 2006/1946 (N.I. 15)

(b) S.I. 2000/1043

(c) 2002/3153 (N.I. 7)

(d) S.R. 2003 No.319 as amended by S.R. 2014 No.307

(e) S.I. 2003/2635 as amended by S.I. 2005/263

(f) S.R. 2003 No.496

(g) S.R. 2005 No.300

(h) S.R. 2006 No.345

(i) S.R. 2006 No.518

(j) S.R. 2007 No.198

(k) S.I. 2007/1711

(l) S.I. 2008/3257 as amended by S.I. 2010/897

(m) S.I. 2009/890

(n) S.R. 2009 No.252

(o) S.R. 2009 No.254

20.	Section 85(1) of the Marine and Coastal Access Act 2009(a)
21.	Regulation 24 of the Waste Regulations (Northern Ireland) 2011(b)
22.	Sections 42(6), 43(5), 76(9), 85(1), 85(5), 103(1), 109(3), 117(1), 126(1), 126(3), 127(1), 134(1), 134(5), 137(1), 146(9), 147(2), 149(5), 150(12), 152(9), 168(1), 168(6), 172(1), 175(2), 178(2), 178(5), 237(2), 237(3) and 240(3) of the Planning Act (Northern Ireland) 2011(c)
23.	Regulations 82(6), 89(10), 90(1), 90(2), 90(3), 90(4), 90(5), 90(6), 90(7), 90(8) and 90(9) of the Waste Electrical and Electronic Equipment Regulations 2013(d)
24.	Sections 32(1) and 33(1) of the Marine Act (Northern Ireland) 2013(e)
25.	Regulation 36(1) of the Pollution, Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(f)
26.	Regulations 30(1), 30(2), 30(3), 30(5) and 30(6) of the Nitrates Action Programme Regulations (Northern Ireland) 2014(g)

**Table 2**  
**Relevant Financial Offences**

<i>Number</i>	<i>Offence(s)</i>
1.	Sections 24(5), 50(2), 50(3), 50(6), 64(7), 67(1), 67(3), 68(2), 68A(1), 100(1), 100(3), 129(3), 136(1), 136(1A), 159(6), 167(1), 167(3), 168(1), 170(1), 170(2) and 170B of the Customs and Excise Management Act 1979(h)
2.	Sections 1, 2, 3, 4, 5(1), 5(2), 5(3), 5(4), 14, 15, 16(1), 16(2), 17(1), 17(2), 18(1) and 19(1) of the Forgery and Counterfeiting Act 1981(i)
3.	Paragraphs 15(1), 15(3), 15(4), 15(5), 15(6) and 15(7) of Part IV of Schedule 5 to the Finance Act 1996(j)
4.	Sections 1(1), 6(1), 7(1), 9(1) and 11(1) of the Fraud Act 2006(k)

**Table 3**  
**Other Relevant Offences**

<i>Number</i>	<i>Offence(s)</i>
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- (a) 2009 c.23 as amended by S.I. 2011/556 (c.19)  
(b) S.R. 2011 No.127  
(c) 2011 c.25. Relevant amending Regulations are S.R. 2015 No.25, S.R. 2015 No.39, S.R. 2015 No.49, S.R. 2015 No.61, S.R. 2015 No.84, S.R. 2015 No.344, S.R. 2016 No.76  
(d) S.I. 2013/3113  
(e) 2013 Chapter 10  
(f) S.R. 2013 No.160 as amended by S.R. 2014 No.304  
(g) S.R. 2014 No.307 as amended by S.R. 2015 No.369  
(h) 1979 c.2. Relevant amending Regulations are 1994 c.9, 1994 c.37, 1995 c.39, S.I. 1995/271, S.I. 1996/2721, S.I. 1996/1299 (N.I. 9), 1997 c.7, 1997 c.16, 1998 c.33, 1999 c.16, S.I. 2000/2620, 2001 c.24, 2002 c.29, S.I. 2002/528, 2004 c.12, S.I. 2004/1740, 2005 c.11, S.I. 2008/41, S.I. 2008/296, 2008 c.4, S.I. 2008/41, S.I. 2009/261, S.I. 2015/664, 2017 c.10,  
(i) 1981 c.45 as amended by 1999 c.23 and S.I. 1999/2095  
(j) 1996 c.8. Relevant amending Regulations are S.I. 1996/1249 (c.21), S.I. 1996/2536 (c.70), S.I. 1997/133 (c.8), S.I. 1997/1015, SI 2006/964, S.I. 2008/1463, S.I. 2009/317  
(k) 2006 c.35 as amended by S.I. 2006/3200 (c.112)

1.	Section 114 of the Public Health Act 1878(a)
2.	Sections 1(1), 8(1), 9(1), 10(1), 11(1), 17(1), 18(1), 21(1) and 23A(1) of the Theft Act (Northern Ireland) 1969(b)
3.	Sections 4, 6, 8, 9, 11(2), 19, 20 and 23(4) of the Misuse of Drugs Act 1971(c)
4.	Sections 24(1), 24A(1), 25(1), 25A(1), 25B(1), 26(1), 26A(3), 26B(1), 26B(2) and 27 of the Immigration Act 1971(d)
5.	Sections 98(3) and 98(4) of the Local Government Act (Northern Ireland) 1972(e)
6.	Article 31(1) of the Health and Safety at Work (Northern Ireland) Order 1978(f)
7.	Articles 3, 9(13), 11A(1), 15B(11), 19G(4), 31E(1), 31E(2), 72(1), 72(2), 73A(4), 81(1), 82(3), 86(1), 90(4), 91A(1), 95(2), 96(2), 97(3), 168A(1), 172(1), 172B, 174(2), 175(2), 180(1) and 180(4) of the Road Traffic (Northern Ireland) Order 1981(g)
8.	Sections 49(1), 49(2), 50(1), 51(1), 52(1), 53(1), 53(2), 53(3) and 58(1) of the Drug Trafficking Act 1994(h)
9.	Articles 30(4), 31(1), 47(1), 47(2), 53 and 54(1) of the Criminal Justice (Northern Ireland) Order 1996(i)
10.	Article 26A(8) of the Juries (Northern Ireland) Order 1996(j)
11.	Sections 69A(8) and 69C(10) of the Northern Ireland Act 1998(k)
12.	Sections 11(1), 12(1), 12(2), 12(3), 13(1), 15(1), 15(2), 15(3), 16, 17, 18(1), 19(2), 21A(1), 21D(1), 21D(3), 54(1), 54(2), 54(3), 56(1), 57(1), 58(1), 58A(1), 60(1), 62(1), 63(1), 63A(1), 63B(1), 63C(1), 63D(1), 63D(3), 87(6), 89(2), 93(1), 94(2), 94(3), 95(4), 96(3), 103(1) and 116(3) of and paragraphs 3(7), 14(1), 15(4), 16(3), 19(7), 20(6) and 32(3) of Schedule 5, paragraph 1(3) of Schedule 6, paragraph 18(1) of Schedule 7 and paragraphs 2, 3(1), 4(1), 6(3), 15(1) and 16(3) of Schedule 13 to the Terrorism Act 2000(l)
13.	Sections 327(1), 328(1), 329(1), 330(1), 331(1) and 332(1) of the Proceeds of Crime Act 2002(m)
14.	Articles 3(1), 3(2), 6(6), 10(3), 13(2), 15(10), 16(2), 21(4), 24(1), 27(6), 30(1), 35(9), 36(3), 37(4), 38(7), 39(3), 40(4), 41(5), 42(4), 43(5), 44(6), 45(1), 45(2), 45(5), 48(4), 49(5), 51(2), 52(4), 53(5),

- (a) 1878 Chapter 52
- (b) 1969 Chapter 16 as amended by 2008/1769 (N.I. 2) and 2006 c.35
- (c) 1971 c.38. Relevant amending Regulations are 1996 c.46, S.I. 1999 No. 672, 2001 c.16, S.I. 2001/3998, S.I. 2003/2429, 2007 c.27, 2011 c.13
- (d) 1971 c.77. Relevant amending Regulations are S.I. 1994/1405, 1996 c.49, 1999 c.33, S.I. 2000/200, S.I. 2000/2326, 2001 c.17, S.I. 2001/2590, 2002 c.41, S.I. 2002/195, S.I. 2002/1241, S.I. 2003/2818, S.I. 2006/987, S.I. 2006/1003, 2007 c.30, S.I. 2007/3579, 2008 c.4, S.I. 2014/1704, 2014 c.22, 2015 c.6, S.I. 2015/856, 2016 c.19
- (e) 1972 (c.9). Relevant amending Regulations are 1994 c.19, S.I. 1995/1770, 1996 c.52, 1996 c.56, 1997 c.23, 1997 c.29, S.I. 1999/672, S.I. 2001/2237, 2005 c.4, 2011 c.13
- (f) 1978/1039 (N.I. 9). Relevant amending Regulations are S.R. 2008 No.315, S.R. 2009 No.238, S.R. 2009 No.273, S.I. 2010/976, S.R. 2015 No.236, S.R. 2013 No.206, S.I. 2013/1506, S.R. 2015 No.325, S.R. 2015 No.339, S.R. 2016 No.406, S.I. 2016/1092, S.I. 2016/1093, S.R. 2017 No.90, S.R. 2010 No.132, S.R. 2011 No. 3066,
- (g) S.I. 1981/154 (N.I. 1). Relevant amending Regulations are S.I. 2007/916 (N.I. 10), 2008 c.4, S.I. 2008/1216 (N.I. 1), 2009 c.1, S.R. 2009 No.91, S.R. 2010 No.23, 2016 c.11, S.R. 2016 No.76
- (h) 1994 c.37 as amended by S.I. 1995/1967 and S.I. 1996/2880
- (i) 1996/3160 (N.I. 24) as amended by 1999/2789 (N.I. 8), 2006 c.38, 2008 No.1216 (N.I. 1), S.I. 2010 No.976
- (j) 1996/1141 (N.I. 6) as amended by 2007 c.6, S.I. 2010/976, S.I. 2014/1116
- (k) 1998 c.47. Relevant amending Regulations are 1999 c.10, S.I. 1999/340 (c.6), S.I. 1999/2204 (c.56), S.I. 1999/2936 (c.78), S.I. 1999/3208 (c.84), S.I. 1999/3209 (c.85), 2001 c.1, 2006 c.17, 2006 c.53, 2007 c.6
- (l) 2000 c.11. Relevant amending Regulations are 2001 c.16, 2001 c.24, S.I. 2001/178, S.I. 2001/192, 2003 c.39, 2003 c.44, S.I. 2003/427, 2004 c.4, 2006 c.4, 2006 c.11, S.I. 2006/2627, S.I. 2007/3398, S.I. 2007/3579, 2008 c.28, S.I. 2009/317, S.I. 2011/245, S.I. 2011/631, S.I. 2012/1809, S.I. 2015/856, 2017 C.22
- (m) 2002 c.29. Relevant amending Regulations are S.I. 2003/120 (C.6), S.I. 2003/173, S.I. 2003/3074, 2005 c.15, S.I. 2006/308, 2007 c.27, S.I. 2007/3398, S.I. 2009/317, S.I. 2011/245, 2013 c.22

	54(2), 55(5), 56(3), 58(2), 59(2), 60(1), 61, 62, 63(6), 63(8), 64(1), 65, 66, 67(1), 67(3), 72(2)(c) and 73(1) of the Firearms (Northern Ireland) Order 2004(a)
15.	Sections 21(3), 26(2), 31(1), 32(2) and 32(3) of and paragraphs 4, 5, 6 and 8(3) of Schedule 6 to the Justice and Security (Northern Ireland) Act 2007(b)
16.	Sections 25(1), 44(1), 45 and 46(1) of the Serious Crime Act 2007(c)
17.	Sections 1(7), 5(2), 9(3), 9(4), 11(2)(a), 16(1), 17(1), 28 and 45(6) of the Transport Act (Northern Ireland) 2011(d)
18.	Sections 1(3), 8(9), 10(5), 11(4), 11(7), 12(4), 15(4), 16(13) and 17(1) of and paragraph 5 of Schedule 1 and paragraphs 9(1) and 9(5) of Schedule 2 to the Scrap Metal Dealers Act 2013(e)
19.	Regulations 19 and 20(1) of the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015(f)
20.	Sections 1(1), 2(1), 2(7) and 4(1) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015(g)”

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 29th September 2017



*John Mills*  
A senior officer of the  
Department of Agriculture, Environment and Rural Affairs

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(a) 2004/702 (N.I. 3). Relevant amending Regulations are S.R. 2005 No.4, 2006 c.38, S.I. 2010/976, S.I. 2015/860, 2016 c.21  
(b) 2007 c.6 as amended by S.I. 2007/2045 (c.76)  
(c) 2007 c.27 as amended by S.I. 2008/755 (c.34), S.I. 2008/2504 (c.108) and 2013 c.7  
(d) 2011 c.11 as amended by S.R. 2015 No.277 and S.R. 2015 No. 284  
(e) 2013 c.10 as amended by S.I. 2013/1966 (C.83)  
(f) S.R 2015 No.332  
(g) 2015 c2 as amended by 2017 c.3

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend regulation 2 of the Waste Management Licensing Regulations (Northern Ireland) 2003 (the 2003 Regulations) to specify and update the list of offences contained in Schedule 6 to the Regulations and to remove outdated offences.

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