
STATUTORY INSTRUMENTS

1998 No. 1762

**Producer Responsibility Obligations
(Northern Ireland) Order 1998**

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“certificate of compliance” means a certificate issued by a person approved for the purpose by the Department to the effect that that person is satisfied that the person in respect of whom the certificate is issued is complying with any producer responsibility obligation to which he is subject;

“competition scrutiny”, in the case of any scheme, means scrutiny of the scheme for the purpose of enabling the Secretary of State to satisfy himself—

- (i) whether or not the scheme has or is likely to have the effect of restricting, distorting or preventing competition or, if it appears to him that the scheme has or is likely to have any such effect, that the effect is or is likely to be no greater than is necessary for achieving the environmental or economic benefits mentioned in Article 3(6); or
- (ii) whether or not the scheme leads or is likely to lead to an abuse of market power;

“the Department” means the Department of the Environment;

“exemption scheme” means a scheme which is (or, if it were to be registered in accordance with the regulations, would be) a scheme whose members for the time being are, by virtue of the regulations and their membership of that scheme, exempt from the requirement to comply with the producer responsibility obligation imposed by the regulations;

“operator”, in relation to an exemption scheme, includes any person responsible for establishing, maintaining or managing the scheme;

“prescribed” means prescribed by regulations;

“product” and “material” include a reference to any product or material (as the case may be) at a time when it becomes, or has become, waste;

“producer responsibility obligation” means the steps which are required to be taken by relevant persons of the classes or descriptions to which the regulations in question apply in order to secure attainment of the targets specified or described in the regulations;

“records” includes computer records and any other records kept otherwise than in a document;

“recovery”, in relation to products or materials, includes—

- (a) composting, or any other form of transformation by biological processes, of products or materials; or
- (b) the obtaining, by any means, of energy from products or materials;

“registered exemption scheme” means an exemption scheme which is registered pursuant to regulations;

“regulations” means regulations under Article 3;

“relevant persons”, in the case of any regulations or any producer responsibility obligation, means persons of the class or description to which the producer responsibility obligation imposed by the regulations applies;

“relevant targets” means the targets specified or described in the regulations imposing the producer responsibility obligation in question;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) Regulations may prescribe, in relation to prescribed products or materials, activities, or the activities, which are to be regarded for the purposes of this Order or any regulations as re-use, recovery or recycling of those products or materials.