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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 493**

**The Waste Management Licensing  
Regulations (Northern Ireland) 2003**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Waste Management Licensing Regulations (Northern Ireland) 2003 and shall come into operation on 19th December 2003.

(2) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) In these Regulations, unless the context otherwise requires –

“the 1978 Order” means the Pollution Control and Local Government (Northern Ireland) Order 1978(2);

“the 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997;

“the 1998 Regulations” means the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998(3);

“the 2003 Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003(4);

“the Industrial Pollution Control Order” means the Industrial Pollution Control (Northern Ireland) Order 1997;

“the Water Order” means the Water (Northern Ireland) Order 1999(5);

“the Community Regulation” means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption(6) as amended by and as read with –

(a) Commission Regulation (EC) No. 808/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption(7);

(b) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures(8);

(c) Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs(9);

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(1) 1954 c. 33 (N.I.)

(2) S.I.1978/1049 (N.I. 19)

(3) S.R. 1998 No. 28

(4) S.R. 2003 No. 46

(5) S.I. 1999/662 (N.I. 6)

(6) O.J. No. L 273, 10.10.2002, p. 1

(7) O.J. No. L117, 13.5.2003, p. 1

(8) O.J. No. L117, 13.5.2003, p. 14

(9) O.J. No. L117, 13.5.2003, p. 22

- (d) Commission Decision [2003/320/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the use in feed of used cooking oil(10);
- (e) Commission Decision [2003/321/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the processing standards for mammalian blood(11);
- (f) Commission Decision [2003/326/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants(12); and
- (g) Commission Decision [2003/327/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them(13);

“the Directive” means Council Directive [75/442/EEC](#) on waste(14) as amended by Council Directives [91/156/EEC](#)(15), [91/692/EEC](#)(16) and Decision [96/350/EEC](#)(17);

“the End of Life Vehicles Directive” means Directive [2000/53/EC](#) of the European Parliament and of the Council(18) as amended by Commission Decision of 19th February 2002, [2002/151/EC](#)(19) and Commission Decision of 27th June 2002, [2002/525/EC](#)(20);

“animal by-products” has the meaning given by Article 2 of the Community Regulation;

“authorised treatment facility” means any establishment or undertaking carrying out the treatment of end of life vehicles under a waste management licence or a disposal licence and in compliance with Article 6 of the End of Life Vehicles Directive and Articles 9, 10 and 11 of the Directive;

“clinical waste” has the meaning given by regulation 2(1) of the Controlled Waste Regulations (Northern Ireland) 2002(21);

“construction work” includes the repair, alteration or improvement of existing works;

“depollute”, in relation to an end of life vehicle, means to carry out on it any of the operations described in paragraph 3 of Part II of Schedule 5 and only when all such operations have been completed shall a vehicle be regarded as “depolluted”; “depollution” and any cognate expressions shall be construed accordingly;

“disposal” includes any of the operations listed in Part II of Schedule 3, and any reference to waste being disposed of includes a reference to its being submitted to any of those operations;

“disposal licence” means a licence issued under Article 7 of the 1978 Order;

“end of life vehicle” means any vehicle designated as category M1 or N1 defined in Annex IIA to Directive [70/156/EEC](#)(22), and three wheel motor vehicles as defined in Directive [92/61/](#)

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(10) O.J. No. L117, 13.5.2003, p. 24

(11) O.J. No. L117, 13.5.2003, p. 30

(12) O.J. No. L117, 13.5.2003, p. 42

(13) O.J. No. L117, 13.5.2003, p. 44

(14) O.J. No. L194, 25.7.1975, p. 39

(15) O.J. No. L078, 26.3.1991, p. 32

(16) O.J. No. L377, 31.12.1991, p. 48

(17) O.J. No. L135, 6.6.1996, p. 328

(18) O.J. No. L269, 21.10.2000, p. 34

(19) O.J. No. L050, 21.02.2002, p. 94

(20) O.J. No. L170, 29.06.2002, p. 81

(21) S.R. 2002 No. 248 as amended

(22) O.J. No. L042, 23.02.1970, p. 0001-0015 as amended by Directive [98/91/EC](#) of the European Parliament and Council (O.J. No. L11, 16.01.1999, p. 25)

**EEC(23)** but excluding motor tricycles, which is waste within the meaning of Article 1(a) of Directive 75/442;

“European Waste Catalogue” means the list of wastes pursuant to Article 1(a) of the Directive and Article 1(4) of Directive 91/689/EEC on hazardous waste**(24)** set out in Commission Decision 2000/532/EC**(25)**; and “EWC Code” means any six-digit code set out in the Annex to Commission Decision 2000/532/EC which is used to describe a type of waste;

“exempt activity” means any of the activities set out in Part I of Schedule 2;

“impermeable pavement” means a pavement in the area where a waste recovery or storage operation takes place which is capable of containing any spillage of waste received and is connected to a drainage system with impermeable components which does not leak and which will ensure that –

- (a) no liquid will run off the pavement otherwise than via the drainage system; and
- (b) except where they may be lawfully discharged, all liquids entering the drainage system are collected in a sealed sump;

“operational land” has the meaning given by Article 2 of the Planning (General Development) Order (Northern Ireland) 1993**(26)**;

“recovery” includes any of the operations listed in Part III of Schedule 3, and any reference to waste being recovered includes a reference to its being submitted to any of those operations;

“resolution” means a resolution passed under Article 13 of the 1978 Order;

“scrap metal” has the meaning given by regulation 1(2) of the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002**(27)** except, unless otherwise stated, scrap metal shall not include end of life vehicles or their components unless and until such vehicles or their components have been depolluted in accordance with Part II of Schedule 5;

“special waste” has the meaning given by regulation 2 of the Special Waste Regulations (Northern Ireland) 1998**(28)**, except that it does not include radioactive waste within the meaning of the Radioactive Substances Act 1993**(29)**;

“treatment of end of life vehicles” means any activity after the end of life vehicle has been handed over to an authorised treatment facility for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredded wastes and any other operation carried out for the recovery and/or disposal of the end of life vehicle and its components;

“waste oil” means any mineral-based lubricating or industrial oil which has become unfit for the use for which it was originally intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil;

“waterway” has the meaning given by Article 2(2) of the Water Order;

“work” includes preparatory work.

(4) For the purposes of these Regulations a person carries on business as a scrap metal dealer if he carries on a business which consists wholly or partly of buying and selling scrap metal, whether the scrap metal sold is in the form in which it was bought or otherwise, other than a business in the course of which scrap metal is not bought except as materials for the manufacture of other articles and is not sold except as a by-product of such manufacture or as surplus materials bought but not required for such manufacture.

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**(23)** O.J. No. L225, 10.08.1992, p. 0072-0100

**(24)** O.J. No. L377, 31.12.1991, p. 20

**(25)** O.J. No. L226, 6.9.2000, p. 3, as amended by Commission Decisions 2001/118/EC (O.J. No. L47, 16.2.2001, p. 1, 2001/119/EC (O.J. No. L047, 16.2.2001, p. 32) and 2001/573/EC (O.J. No. L203, 28.7.2001, p. 18)

**(26)** S.R. 1993 No. 278

**(27)** S.R. 2002 No. 271

**(28)** S.R. 1998 No. 289

**(29)** 1993 c. 12

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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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