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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 277**

**ENVIRONMENTAL PROTECTION**

**The Controlled Waste (Duty of Care) (Amendment)  
Regulations (Northern Ireland) 2004**

*Made* - - - - - *30th June 2004*

*Coming into operation* *9th August 2004*

The Department of the Environment, in exercise of the powers conferred on it by Article 5(4) and (7) of the Waste and Contaminated Land (Northern Ireland) Order 1997(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Controlled Waste (Duty of Care) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 9th August 2004.

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

**Amendment of the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002**

2.—(1) The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002(c) shall be amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) for the definition of “European Waste Catalogue” there shall be substituted –

“ “European Waste Catalogue” means the list of wastes set out in the Annex to Commission Decision 2000/532/EC, as for the time being amended(d);”.

(3) In regulation 2(2)(a) (transfer notes) for “categories” substitute “codes”.

(4) In the Table in regulation 2, after the second entry in column 1 insert –

“A person who is the holder of an authorisation under Article 6 of the Industrial Pollution Control (Northern Ireland) Order 1997(e) in so far as such authorisation concerns controlled waste for the purposes of Article 5 of the 1997 Order.”.

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(a) S.I. 1997/2778 (N.I. 19)

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

(c) S.R. 2002 No. 271; relevant amending Regulations are S.R. 2003 No. 46, Schedule 11, paragraph 19

(d) The Decision in force at the date of making these Regulations is Commission Decision 2000/532/EC (O.J. No. L226, 6.9.2000, p. 3) as amended by Commission Decisions 2001/118/EC (O.J. No. L047, 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)

(e) S.I. 1997/2777 (N.I. 18)

**Amendment of the Waste and Contaminated Land (Northern Ireland) Order 1997**

**3.**—(1) Article 5(3)(a) (duty of care, etc., as respects waste) of the Waste and Contaminated Land (Northern Ireland) Order 1997 shall be amended as follows.

(2) In sub-paragraph (d) delete “and”.

(3) After sub-paragraph (e) add—

“(f) any person who is the holder of an authorisation under Article 6 of the Industrial Pollution Control (Northern Ireland) Order 1997 in so far as such authorisation concerns controlled waste for the purposes of this Article; and

(g) any person who is the holder of a permit under regulation 10 of the Pollution Prevention and Control Regulations (Northern Ireland) 2003(b) which authorises the carrying out of a specified waste management activity within the meaning of those Regulations.”.

Sealed with the Official Seal of the Department of the Environment on 30th June 2004.

(L.S.)

*Felix Dillon*

A senior officer of the Department of the Environment

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(a) Article 5 was amended by S.R. 2003 No. 46, Schedule 11, paragraph 12.  
(b) S.R. 2003 No. 46

## EXPLANATORY NOTE

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

Article 5(1) of the Waste and Contaminated Land (Northern Ireland) Order 1997 (“the 1997 Order”) imposes a duty of care on any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker, has control of such waste. The duty includes a requirement for such persons, on the transfer of the waste, to ensure that the transfer is only to an authorised person (as specified in Article 5(3) of the 1997 Order) or to a person for authorised transport purposes (as specified in Article 5(5) of the 1997 Order) and that a written description of the waste is also transferred. Regulation 2 of the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 (“the 2002 Regulations”) requires the transferor and the transferee to complete and sign a transfer note at the same time as the written description of the waste is transferred.

Regulation 2 of these Regulations amends the 2002 Regulations so as to provide that the transfer note identifies the waste to which it relates by reference to the appropriate codes in the European Waste Catalogue list of wastes set out in Commission Decision 2000/532/EC as for the time being amended. Regulation 2 also makes an amendment consequential on the amendment made by regulation 3 of these Regulations.

Regulation 3 of these Regulations amends the 1997 Order by adding to the list of authorised persons in Article 5(3) of that Order.

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