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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 416**

**The Landfill Allowances Scheme  
(Northern Ireland) Regulations 2004**

**PART 1**

**GENERAL**

**Citation and commencement and application**

1.—(1) These Regulations may be cited as the Landfill Allowances Scheme (Northern Ireland) Regulations 2004 and shall come into operation on 1st April 2005.

(2) These Regulations apply to Northern Ireland only.

**Interpretation**

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

(2) In these Regulations –

“the Act” means the Waste and Emissions Trading Act 2003;

“collected municipal waste” means municipal waste which comes into the possession or under the control of a district council whether or not the waste comes into the possession or under the control of that district council under or by virtue of the Waste and Contaminated Land Order 1997(2);

“the Department” means the Department of the Environment

“disposal” has the same meaning as in Council Directive 75/442/EEC on waste(3);

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000(4);

“European Waste Catalogue” means the list of wastes which, pursuant to Article 1(a) of Council Directive 75/442/EC on waste and Article 1(4) of Council Directive 91/689/EEC on hazardous waste(5), is set out in Commission Decision 2000/532/EC(6);

“landfill allowance account” means the landfill allowance account contained in the landfill allowances register under regulation 15(2) and (3);

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

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

(3) O.J. No. L194, 25.7.1975, p. 39; as amended by Council Directive 91/156/EEC (O.J. No. L78, 26.3.1991, p. 32), Council Directive 91/692/EEC (O.J. No. L377, 31.12.1991, p. 48) and Commission Decision 96/350/EC (O.J. No. L135, 6.6.1996, p. 32)

(4) 2000 c. 7

(5) O.J. No. L377, 31.12.1991, p. 20; as amended by Council Directive 94/31/EC (O.J. No. L168, 2.7.1994, p. 28) and Corrigendum to Directive 91/689/EEC (O.J. L23, 30.1.1998, p. 39)

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

“reconciliation period” means the period of 6 months following the end of a scheme year;

“recovery” has the same meaning as in Article 1(f) of Council Directive [75/442/EEC](#) on waste;

“relevant authority” means –

- (a) the monitoring authority,
- (b) the Department;

“treatment” has the same meaning as in section 22(4) of the Act;

“vintage” means in respect of landfill allowances allocated for –

- (a) different scheme years, the chronological order in which those allowances were allocated,
- (b) for the same scheme year, the order in which those landfill allowances were allocated for that year; and

“waste facility” means a facility for the disposal or recovery of waste other than a landfill.

(3) In these Regulations references to waste being sent by a district council to a landfill or a waste facility are references to waste being sent to such a landfill or facility in pursuance of arrangements made by the district council.

(4) In these Regulations a landfill allowance is available to a district council for a scheme year –

- (a) for the purposes of regulation 6 if it has –
  - (i) been allocated to the district council for that scheme year, and
  - (ii) not subsequently been transferred or withdrawn;
- (b) for all other purposes if it has been –
  - (i) allocated to the district council for that scheme year, or
  - (ii) borrowed or transferred to that scheme year,and not subsequently been borrowed, transferred or withdrawn.

### **Giving notices and notifications, and the submission of forms and returns**

**3.—(1)** Subject to paragraph (2), where under these Regulations a person is required or authorised to –

- (a) submit or give a form, notice or return to another person; or
- (b) notify another person of any matter;

the form, notice, return or notification must be in writing.

(2) Where –

- (a) that other person has an address for the purposes of electronic communications –
  - (i) any return may be submitted, or
  - (ii) any notice or notification may be given,by way of such communications;
- (b) regulation 4(3)(a) applies, the form may be submitted to the monitoring authority by way of electronic communications to the address specified in the form;
- (c) regulation 4(3)(b) applies, the form may be submitted to the monitoring authority via the website;
- (d) a relevant authority maintains a website for the purpose of enabling returns to be submitted to the monitoring authority, any return which is enabled to be so submitted may be submitted to the monitoring authority via the website.

(3) Any notification given in writing by the Department under these Regulations may be given by addressing it to the district council and –

- (a) leaving it at, or
- (b) sending it by post to,

the district council's principal office.

#### **Electronic registers and forms**

4.—(1) Any register maintained under these Regulations may be in an electronic form.

(2) Where any register is in an electronic form a relevant authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.

(3) Any form provided by the monitoring authority under these Regulations may be provided –

- (a) in an electronic form, or
- (b) for completion and submission to the monitoring authority on a website maintained by a relevant authority for that purpose.