
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 300

The Hazardous Waste Regulations (Northern Ireland) 2005

PART 2

HAZARDOUS AND NON-HAZARDOUS WASTE

Determination that a waste is hazardous

8.—(1) Subject to the following provisions of this regulation, where it appears to the Department that, having regard to Annexes I, II and III and the limit values of concentration in the List of Wastes, there are reasonable grounds to suspect that a waste of a type listed, or falling within a type listed, in the List of Wastes as non-hazardous displays one or more hazardous properties, it may determine that, in Northern Ireland, such waste is a hazardous waste.

(2) The Department may revoke a determination made under paragraph (1)(1).

(3) Before making a determination under paragraph (1) or revoking a determination under paragraph (2), the Department shall consult the requisite bodies, except where it considers it inappropriate to do so in any case on account of the nature of an emergency or grave danger.

(4) The Department shall publish in such manner as it considers appropriate for the purpose of informing persons likely to be affected thereby, a notice of any determination made under paragraph (1) or revocation under paragraph (2), and the notice shall include—

- (a) the date and time at which the determination or revocation, as the case may be, is to take effect (which may be immediately upon publication); and
- (b) a description of the waste sufficient to identify it,

and shall send a copy of the notice to the requisite bodies.

(5) The notice shall give reasons for the determination or revocation, as the case may be.

(6) Where waste enters Northern Ireland from England, Scotland or Wales, a determination in force under this regulation shall apply to it notwithstanding that a determination to like effect is not in force in respect of England, Scotland or Wales, as the case may be.

(1) The second indent of the Hazardous Waste Directive provides for peer review by the other member States of a notification under the second indent of Article 1.4