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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 280**

**The Waste Management Regulations (Northern Ireland) 2006**

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

2.—(1) The Waste and Contaminated Land (Northern Ireland) Order 1997 is amended as follows.

(2) In Article 2 (General interpretation)—

(a) in paragraph (2)—

(i) in the definition of “commercial waste”—

(aa) at the end of sub-paragraph (b) insert “and”; and

(bb) repeal sub-paragraph (c);

(ii) in the definition of “industrial waste”—

(aa) at the end of sub-paragraph (c) delete “or”; and

(bb) at the end of sub-paragraph (d) insert—

“or

(e) any mine or quarry or any premises used for agriculture within the meaning of the Agriculture Act (Northern Ireland) 1949;” and

(iii) in the definition of “the Waste Directive” delete “and” at the end of sub-paragraph (a) and after sub-paragraph (b) insert—

“(c) the decision of the European Commission, dated 24th May 1996, adapting Annexes IIA and IIB to Directive [75/442/EEC](#) on waste; and

(d) the Regulation of the European Parliament and of the Council, dated 29th September 2003, adapting to Council Decision [1999/468/EC](#) the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.”;

(b) in paragraph (3)—

(i) repeal the words “but no regulations shall be made under this paragraph in respect of such waste as is mentioned in sub-paragraph(c) of the definition of “commercial waste””; and

(ii) for “that definition” substitute “the definition of commercial waste”.

(3) In Article 4 (Prohibition on unauthorised or harmful deposit, treatment or disposal, etc., of waste)—

(a) for paragraph (2) substitute—

“(2) Subject to paragraph (2A), sub-paragraphs (a) and (b) of paragraph (1) do not apply in relation to household waste from a domestic property which is treated, kept or disposed of within the curtilage of the property.

(2A) Paragraph (2) does not apply to the treatment, keeping or disposal of household waste by an establishment or undertaking.”;

- (b) at the beginning of paragraph (8), insert “Subject to paragraph (10)”;
- (c) at the beginning of paragraph (9), insert “Subject to paragraph (10),”;
- (d) after paragraph (9), insert—
  - “(10) A person (other than an establishment or undertaking) who commits an offence under this Article in respect of a contravention of paragraph (1)(c) consisting of the treatment, keeping or disposal within the curtilage shall be liable—
    - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
    - (b) on conviction on indictment, to a fine.”.
- (4) After Article 5(2) (Duty of care, etc. as respects waste) insert—
  - “(2A) It shall be the duty of the occupier of any domestic property to take all such measures available to him as are reasonable in the circumstances to secure that any transfer by him of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes.”.
- (5) In Article 5(3) after “for the purpose of paragraph (1)(c)” insert “or paragraph (2A)”.
- (6) In Article 5(4) and (5) after “for the purposes of paragraph (1)(c)” insert “or paragraph (2A)”.
- (7) In Article 5(8) after “Any person who fails to comply with paragraph (1)” insert “or paragraph (2A)”.
- (8) Article 31(1) and (4) (Waste other than controlled waste) is repealed.