
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 14

The Food Waste Regulations (Northern Ireland) 2015

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

2.—(1) The Waste and Contaminated Land (Northern Ireland) Order 1997 is amended in accordance with paragraphs (2) to (5).

(2) In Article 2(2) (General interpretation), in the appropriate alphabetical order insert—

““bio-waste” means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;

“food waste” means controlled waste that was at any time food intended for human consumption (even if of no nutritional value) and includes biodegradable waste produced as a consequence of the processing or preparation of food, but does not include drink;

“separate collection of food waste” means that food waste is presented for collection, and collected in a manner that ensures that food waste is kept separate from other waste;”.

(3) In Article 5 (Duty of care, etc., as respects waste)—

(a) in paragraph (1), after sub-paragraph (aa) insert—

“(ab) to prevent any contravention by any other person of paragraph (2B), (2E) or (2F);”;

(b) after paragraph (2A) insert—

“(2B) It shall, from 1st April 2016, be the duty of any person who controls or manages a food business that produces controlled waste to take all such measures available as are reasonable in the circumstances to secure the separate collection of food waste produced by that food business.

(2C) The duty in paragraph (2B) does not apply to—

(a) food waste produced by a food business that produces less than 5 kilograms of food waste per week; or

(b) food waste that includes catering waste that originates from means of transport operating internationally; or

(c) food waste produced in the period beginning on 1st April 2016 and ending on 31st March 2017—

(i) by Health and Social Care trusts (as established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(1)); or

(ii) by a food business that produces 5 kilograms or more, and less than 50 kilograms of food waste per week.

(2D) The duty in paragraph (2B) is deemed to be satisfied where—

- (a) the food waste produced by the food business is recovered at the premises of the food business, and “recovery” in this paragraph has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003(2); or
- (b) the food waste is mixed with other bio-waste to the extent that the resultant mixed waste is presented for collection in a manner that ensures that the amount of food waste collected is not substantially less than would be the case were the wastes not mixed.

(2E) It shall, from 1st April 2015, be the duty of any person who transports controlled waste to collect and transport separately from other waste any waste presented for collection—

- (a) in accordance with paragraph (2B);
- (b) in a receptacle provided in accordance with Article 20A(3).

(2F) It shall, from 1st April 2017, be the duty of any person who produces food waste (other than an occupier of a domestic property as respects the household waste produced on that property) to ensure that food waste is not deposited in a lateral drain or public sewer, or in a drain or sewer that connects to a lateral drain or public sewer.”;

- (c) in paragraph (7), for “the duty imposed by paragraph (1)” substitute “a duty imposed by paragraphs (1), (2B), (2E) or (2F)”;
- (d) in paragraph (8)—
 - (i) after “fails” insert “without reasonable excuse”; and
 - (ii) for “paragraph (1) or paragraph (2A)” substitute “paragraphs (1), (2A), (2B), (2E) or (2F)”;
- (e) in paragraph (9), for “the duty imposed on them by paragraph (1)” substitute “a duty imposed on them by paragraphs (1), (2B), (2E) or (2F)”;
- (f) after paragraph (13), insert—

“(14) In this Article—

“business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a district council;

“catering waste” means all waste food, including used cooking oil, originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens;

“drain”, “lateral drain”, “public sewer” and “sewer” have the same meanings as in Article 2 of the Water and Sewerage Services (Northern Ireland) Order 2006(3);

“food business” means an undertaking, whether carried on for profit or not, and whether public or private, carrying out any activity related to the processing, distribution, preparation or sale of food.”.

(4) In Article 20 (Collection of controlled waste)—

- (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (a), omit “and”; and
 - (ii) at the end of sub-paragraph (b), omit “.” and insert—
“; and

(2) S.R. 2003 No.493 as relevantly amended by S.R.2006/519, S.R.2009/159, S.R.2011 No.127 and S.R. 2014 No. 253
(3) 2006/3336 (N.I.12)

- (c) if requested by the occupier of premises in its district to collect any food waste from the premises presented for collection in accordance with Article 5(2B), to arrange for the collection of the food waste.”;
- (b) after paragraph (1), insert—
 - “(1A) In sub-paragraph (1)(c), the reference to “food waste” does not include waste from an occupier of a domestic property as respects the household waste produced on the property.”.
- (5) After Article 20 (Collection of controlled waste) insert—

“Separate collection of food waste

20A.—(1) This Article applies when a district council is making an arrangement in accordance with Article 20(1)(a).

(2) A district council shall, from 1st April 2015, take such steps as the council considers reasonable to promote separate collection of food waste (including the making of arrangements for the provision of a receptacle which enables the separate collection of food waste from every domestic property in its area).

(3) A district council shall, from 1st April 2017, arrange for there to be provided to the occupier of every domestic property in its area—

- (a) a receptacle which enables the separate collection of food waste from the property; or
- (b) where a district council is satisfied that the amount of food waste that will be collected is not substantially less than would be collected in a receptacle provided under paragraph (a), a receptacle which enables the occupier to present food waste and other bio-waste for separate collection.

(4) In this Article—

“domestic property” means a building or self-contained part of a building which is used wholly for the purposes of living accommodation;

“receptacle” has the same meaning as in Article 21(10).”.