



# Environment Act 2021

## 2021 CHAPTER 30

### PART 3

#### WASTE AND RESOURCE EFFICIENCY

##### *Waste enforcement and regulation*

#### **65 Waste charging: Northern Ireland**

- (1) In the Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997/2778 (N.I. 19)), after Article 76 insert—

##### *“Charging schemes*

#### **76A Power to make charging schemes**

- (1) As a means of recovering costs incurred by it in performing any functions mentioned in paragraph (2), the Department may require the payment to it of such charges as may be specified in or determined under a scheme made by the Department under this Article (referred to in this Article as a “charging scheme”).
- (2) The functions referred to in paragraph (1) are—
- (a) functions related to—
    - (i) Article 4(1); or
    - (ii) regulation 18(1) of the Waste Management Licensing Regulations (Northern Ireland) 2003;
  - (b) functions conferred by regulations made under Article 5G;
  - (c) functions conferred by regulations made under Schedule 4 or 5 to the Environment Act 2021;
  - (d) functions conferred by the End-of-Life Vehicles Regulations 2003;

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*Status: This is the original version (as it was originally enacted).*

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- (e) functions conferred by the End-of-Life Vehicles (Producer Responsibility) Regulations 2005;
  - (f) functions conferred by the Waste Batteries and Accumulators Regulations 2009;
  - (g) functions conferred by the Waste Electrical and Electronic Equipment Regulations 2013;
  - (h) functions in connection with the regulation of the importation or exportation of waste or the transit of waste for export.
- (3) In sub-paragraph (h) of paragraph (2) “importation”, “exportation”, “transit of waste for export” and “waste” have the meaning they have in section 141 of the Environmental Protection Act 1990.
- (4) A charging scheme must specify, in relation to any charge prescribed by the scheme, the description of person who is liable to pay the charge.
- (5) A charging scheme may—
- (a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities;
  - (b) provide for the times at which, and the manner in which, charges are to be paid;
  - (c) revoke or amend any previous charging scheme;
  - (d) contain supplemental, incidental, consequential or transitional provision for the purposes of the scheme.
- (6) Before making a charging scheme the Department must consult such persons as appear to the Department to be appropriate.
- (7) The Department must, when it makes or amends a charging scheme—
- (a) lay a copy of the scheme or amendments before the Assembly, and
  - (b) publish the scheme or the amendments.”
- (2) Until the repeal of Article 3 of the Producer Responsibility Obligations (Northern Ireland) Order 1998 (S.I. 1998/1762 (N.I. 16)) (“the 1998 Order”) by section 50 of this Act is fully in force, Article 76A(2)(c) of the Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997/2778 (N.I. 19)) has effect as if the reference to Schedule 4 to this Act included a reference to Article 3 of the 1998 Order.
- (3) The Waste Management Licensing Regulations (Northern Ireland) 2003 (S.R. (N.I.) 2003 No. 493) are amended as follows.
- (4) In regulation 17 (exemptions from waste management licensing), in paragraph (4)—
- (a) in sub-paragraph (b) for “and the fee (if any) required under regulation 18(12) have” substitute “has”;
  - (b) after sub-paragraph (b) insert “; and
  - (c) any fee required under regulation 20B has been paid.”
- (5) In regulation 18 (registration in connection with exempt activities)—
- (a) in paragraph (3)(d) for “a payment of any fee in respect of each place where any such exempt activity is being carried on” substitute “payment, in respect of each place where any such exempt activity is being carried on, of any fee that may be required under regulation 20B”;
  - (b) in paragraph (9) for “and 47” substitute “, 47 and 49 to 52”;

- (c) in paragraph (11)(b) for “specified in accordance with paragraph (12)” substitute “required under regulation 20B”;
  - (d) omit paragraph (12).
- (6) After regulation 20A insert—

**“20B Fees and charges for registration in connection with exempt activities**

- (1) There are to be charged by and paid to the Department—
  - (a) in respect of applications for registration, and
  - (b) in respect of the subsistence of registrations,such fees and charges as may be provided for by a scheme under paragraph (2) (but this is subject to regulations 18(4A) and 19(2)).
- (2) The Department may make, and from time to time revise, a scheme (“a charging scheme”) specifying—
  - (a) fees in respect of applications for registration, payable to the Department, by the applicant, in respect of each place to which an application relates;
  - (b) charges in respect of the subsistence of registrations, payable to the Department by persons to whom registrations have been issued.
- (3) The Department must, when it makes or amends a charging scheme—
  - (a) lay a copy of the scheme or amendments before the Assembly, and
  - (b) publish the scheme or the amendments.
- (4) A charging scheme may in particular—
  - (a) provide for fees or charges payable in respect of applications or the subsistence of registrations to differ according to the activities to which the applications or registrations relate (including by providing for no fee or charge in the case of some activities);
  - (b) provide for reductions of fees where conditions specified in the scheme are met;
  - (c) provide for the times at which, and the manner in which, payments of fees or charges are to be made;
  - (d) make such incidental, supplementary and transitional provision as appears to the Department to be appropriate.
- (5) If it appears to the Department that a person to whom a registration has been issued has failed to pay a charge due in respect of the subsistence of the registration, the Department may, by notice in writing served on that person, revoke the registration.
- (6) In this regulation—
  - (a) “registration” means registration under regulation 18;
  - (b) any reference to an application for registration includes an application for renewal of a registration.”