
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 115

PUBLIC HEALTH

The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 1999

Made - - - - 12th March 1999

Coming into operation 1st June 1999

THE PRODUCER RESPONSIBILITY OBLIGATIONS (PACKAGING WASTE) REGULATIONS (NORTHERN IRELAND) 1999

PART I

GENERAL

1. Citation and commencement
2. Interpretation and notices

PART II

PRODUCERS AND OBLIGATIONS

3. Producers and producer responsibility obligations
4. Exclusions and limitations

PART III

REGISTRATION

5. Producer registration obligation
6. Application for producer registration
7. Requirements for producer registration
8. Continuation of producer registration
9. Forms and fees for producer registration
10. Refusal to register producers
11. Cancellation of registration of producers
12. Application for registration of a scheme
13. Conditions of registration of a scheme
14. Continuation of registration of a scheme
15. Forms and fees for registration of a scheme
16. Refusal to register a scheme

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

17. Cancellation of registration of a scheme

PART IV

REGISTRATION OF SCHEMES — APPEALS

18. Right of appeal
19. Procedure of appeals
20. Determination of appeals
21. Status pending appeal

PART V

RECORDS, RETURNS AND CERTIFICATE

22. Producers — records and returns
23. Producers — certifying obligation
24. Schemes — records and returns

PART VI

POWERS AND DUTIES OF THE DEPARTMENT

25. Monitoring
26. Public register
27. Approval of persons to issue certificates of compliance
28. Entry and inspection

PART VII

GROUPS OF COMPANIES AND MID-YEAR CHANGES

29. Groups of companies
30. Mid-year changes

PART VIII

COMPETITION SCRUTINY

31. Competition scrutiny

PART IX

THE RESTRICTIVE TRADE PRACTICES ACT 1976

32. The 1976 Act
33. Agreement to which the 1976 Act applies

PART X

OFFENCES

34. Offences and penalties
Signature

SCHEDULE

Producers

1

1. (1) For the purposes of Column 1 in the Table—...

2. For the purposes of Column 3 of the Table, and...
 3. A person satisfies the threshold tests if—
 4. (1) For the purposes of paragraph 3—
- SCHEDULE 2
- Recovery and Recycling Obligations**
1. A producer's obligations to recover and recycle packaging waste in...
 2. (1) The amount of packaging waste to be recovered by...
 3. (1) The following percentages are prescribed as the percentages for...
 4. The following is prescribed as the recovery target "X"—
 5. The following is prescribed as the recycling target "Y"—
 6. (1) In this Schedule— (a) for the purposes of paragraph...
- SCHEDULE 3
- PART I — DEFINITION OF WASTE — ARTICLE 1 OF AND ANNEX 1 TO THE WASTE DIRECTIVE
1. Article 1
Annex 1
— CATEGORIES OF WASTE
- Q1 production or consumption residues not otherwise specified below;
- Q2 off-specification products;
- Q3 products whose date for appropriate use has expired;
- Q4 materials spilled, lost or having undergone other mishap, including any...
- Q5 materials contaminated or soiled as a result of planned actions...
- Q6 unusable parts (for example, reject batteries, exhausted catalysts, etc.);
- Q7 substances which no longer perform satisfactorily (for example, contaminated acids,...
- Q8 residues of industrial processes (for example, slags, still bottoms, etc.);...
- Q9 residues from pollution abatement processes (for example, scrubber sludges, baghouse...
- Q10 machining/finishing residues (for example, lathe turnings, mill scales, etc.);
- Q11 residues from raw materials extraction and processing (for example, mining...
- Q12 adulterated materials (for example, oils contaminated with polychlorinated biphenyls, etc.);...
- Q13 any materials, substances or products whose use has been banned...
- Q14 products for which the holder has no further use (for...
- Q15 contaminated materials, substances or products resulting from remedial action with...
- Q16 any materials, substances or products which are not contained in...
- PART II — DEFINITION OF RECOVERY — ANNEX IIB TO THE WASTE DIRECTORY
2. This Part is intended to list recovery operations as they...
- R1 solvent reclamation/regeneration;
- R2 recycling/reclamation of organic substances which are not used as solvents;...
- R3 recycling/reclamation of metals and metal compounds;
- R4 recycling/reclamation of other inorganic materials;
- R5 regeneration of acids or bases;
- R6 recovery of components used for pollution abatements;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- R7 recovery of components from catalysts;
 - R8 oil re-financing or other re-uses of oil;
 - R9 use principally as a fuel or other means to generate...
 - R10 spreading on land resulting in benefit to agriculture or ecological...
 - R11 use of wastes obtained from any of the operations numbered...
 - R12 exchange of wastes for submission of any of the operations...
 - R13 storage of materials intended for submission to any operation in...
- PART III — DEFINITION OF SPECIAL PRODUCERS**
- 3. A special producer is a producer who in the preceding...
- PART IV — SPECIAL PRODUCERS — OBLIGATIONS**
- 4. For the purposes of the provision of further information by...
 - 5. For the purposes of the calculation of the recovery and...
- PART V — SPECIAL PRODUCERS — RECORDS AND RETURNS**
- 6. A special producer shall, in relation to any relevant year—...
 - 7. The information is— (a) the amount in tonnes to the...
 - 8. In relation to a special producer the reference in regulation...
- SCHEDULE 4 Information**
- PART I — INFORMATION TO BE CONTAINED IN APPLICATION FOR PRODUCER REGISTRATION**
- 1. The address and telephone number of the registered office of...
 - 2. The business name of the producer if different from that...
 - 3. The address for service of notices on the producer if...
- PART II — PRODUCER AND SCHEME REGISTRATION**
- PART III — INFORMATION TO BE INCLUDED IN APPLICATION FOR REGISTRATION OF A SCHEME OR COMPETITION SCRUTINY**
- 4. The name of the scheme.
 - 5. The name of the operator, and where the operator is...
 - 6. The address and telephone number of the registered office of...
 - 7. The address for service of notices if different from that...
 - 8. The names and addresses of the registered offices, or, if...
 - 9. Full particulars of the agreement for the constitution of the...
- PART IV — STATEMENT OF THE SCHEMES POLICIES AND SCHEMES OPERATIONAL PLAN**
- 10. The matters to be contained in the statement with regard...
 - 11. The matters to be contained in the schemes operational plan...
 - 12. For the purposes of paragraph 11(d)(iii) “household waste”, “industrial waste”...
- SCHEDULE 5 Procedure on Appeals**
- 1. (1) An operator of a scheme who wishes to appeal...
 - 2. Notice of appeal shall be given before the expiry of...
 - 3. Where under regulation 19(1) the appeal is by way of...
 - 4. (1) The Planning Appeals Commission upon determining an appeal shall...
- SCHEDULE 6 Information in Certificate of Compliance**
- SCHEDULE 7 Public Register**
- 1. *Information regarding producer registration*
 - 2. *Information regarding scheme registration*

SCHEDULE **Supplemental Provisions with regard to powers of entry**

8

1. *Issue of warrants*
2. *Manner of exercise of powers*
3. *Information obtained to be admissible in evidence*
4. *Duty to secure premises*
5. *Compensations*
6. *Relevant power*

SCHEDULE **Groups of Companies**

9

1. This Schedule applies in relation to a relevant year—
2. Subject to regulation 4, in respect of a year each...
3. For the purpose of this Schedule and Schedule 10 “subsidiary”...
4. Subject to regulation 4, companies who are producers and are...
5. Where there is a group registration— (a) the subsidiary companies...
6. Where in accordance with this Schedule there is a group...
7. A person guilty of an offence under paragraph 6 shall...
8. This Schedule is subject to the provisions of Schedule 10....

SCHEDULE **Mid-year Changes**

10

PART I — SCHEME MEMBERSHIP

1. Subject to paragraph 4, where a person who is a...
2. Subject to paragraph 3, where a person who is a...
3. Where a person who is a producer in respect of...
4. Where a person who is a producer in respect of...

PART II — GROUP MEMBERSHIP

5. This Part applies where— (a) a company joins a group...
6. Where paragraph 5(a) applies the company shall either—
7. Where— (a) paragraph 5(a) applies; (b) in relation to the...
8. Where— (a) paragraph 5(a) applies; (b) in relation to the...
9. Where— (a) paragraph 5(a) applies; (b) in relation to the...
10. Where— (a) paragraph 5(a) applies; (b) in relation to the...
11. Where— (a) paragraph 5(b) applies; and (b) in relation to...
12. Where— (a) paragraph 5(b) applies; (b) in relation to the...
13. Where— (a) paragraph 5(b) applies; (b) in relation to the...
14. Where— (a) paragraph 5(b) applies; (b) in relation to the...
15. Where— (a) paragraph 5(b) applies; (b) in relation to the...
16. Where in a relevant year paragraph 5 above applies to...
17. (1) The proportion referred to in paragraphs 9, 10, 12(c)(i)...
18. For the purposes of this Part— (a) the “threshold tests”...

PART III — INCAPACITY

19. Where in a relevant year a producer dies or becomes...
20. Any person carrying on the activities of the first producer...
21. In relation to a producer which is a company, the...

SCHEDULE **United Kingdom’s Recovery and Recycling Targets**

11

Explanatory Note