

2002 No. 248

ENVIRONMENTAL PROTECTION

The Controlled Waste Regulations (Northern Ireland) 2002

Made - - - - - *22nd July 2002*

Coming into operation *27th August 2002*

The Department of the Environment, in exercise of the powers conferred on it by Article 17(2) of the Litter (Northern Ireland) Order 1994^(a), Articles 2(2), 2(3), 4(3) and 20(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997^(b) and of all other powers enabling it in that behalf, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Controlled Waste Regulations (Northern Ireland) 2002 and shall come into operation on 27th August 2002.

Interpretation

2.—(1) In these Regulations –

“the Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997;

“the 1994 Order” means the Litter (Northern Ireland) Order 1994;

“camp site” means land on which tents are pitched for the purposes of human habitation and land the use of which is incidental to land on which tents are so pitched;

“charity” means any body of persons or trust established for charitable purposes only;

“clinical waste” means –

(a) any waste which consists wholly or partly of human or animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical products, swabs or dressings, or syringes, needles or other sharp instruments, being waste which unless rendered safe may prove hazardous to any person coming into contact with it; and

(b) any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation, treatment, care, teaching or research, or the collection of blood for transfusion, being waste which may cause infection to any person coming into contact with it;

“construction” includes improvement, repair or alteration;

“mixed hereditament” means a hereditament which is used partly for the purposes of a dwelling house as defined in Schedule 5 to the Rates (Northern Ireland) Order 1977^(c) and partly for other purposes;

(a) S.I. 1994/1896 (N.I. 10)

(b) S.I. 1997/2778 (N.I. 19), *see* Article 2(2) for definition of “the Department”, “prescribed” and “regulations”

(c) S.I. 1977/2157 (N.I. 28)

“sludge” means residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters; and

“septic tank sludge” means residual sludge from septic tanks and other similar installations for the treatment of sewage.

(2) References in these Regulations to waste –

- (a) do not include waste from any mine or quarry or waste from premises used for agriculture within the meaning of the Agriculture Act (Northern Ireland) 1949(a);
- (b) except so far as otherwise provided, do not include sewage (including matter in or from a privy).

Waste to be treated as household waste

3. Subject to regulation 4, waste of the descriptions set out in Schedule 1 shall be treated as household waste for the purposes of Part II of the Order.

Waste not to be treated as household waste

4. Waste of the following descriptions shall not be treated as household waste for the purposes of Article 4(2) of the Order (treatment, keeping or disposal of household waste within the curtilage of a dwelling) –

- (a) any mineral or synthetic oil or grease;
- (b) asbestos; and
- (c) clinical waste.

Charges for the collection of household waste

5. The collection of any of the types of household waste set out in Schedule 2 is prescribed for the purposes of Article 20(3) of the Order as a case in respect of which a charge for collection may be made.

Waste to be treated as industrial waste

6. Subject to regulation 8, waste of the descriptions set out in Schedule 3 shall be treated as industrial waste for the purposes of Part II of the Order.

Waste to be treated as commercial waste

7. Subject to regulation 8, waste of the descriptions set out in Schedule 4 shall be treated as commercial waste for the purposes of Part II of the Order.

Waste not to be treated as industrial or commercial waste

8. Waste of the following descriptions shall not be treated as industrial waste or commercial waste for the purposes of Part II of the Order –

- (a) sewage, sludge or septic tank sludge which is treated, kept or disposed of (otherwise than by means of mobile plant) within the curtilage of a sewage treatment works as an integral part of the operation of those works;
- (b) sludge which is supplied or used in accordance with the Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990(b);
- (c) septic tank sludge which is used on agricultural land within the meaning of the Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990.

(a) 1949 c. 2 (N.I.)
(b) S.R. 1990 No. 245

Application of Part II of the Order to litter

9. Part II of the Order shall have effect as if –

- (a) references to controlled waste included references to litter to which Article 17 of the 1994 Order applies;
- (b) references to controlled waste of a description set out in the first column of Table A included references to litter of a description set out in the second column thereof;
- (c) references to controlled waste collected under Article 20 of the Order included references to litter collected under Articles 7(1)(a) and 12(10) of the 1994 Order; and
- (d) references to controlled waste collected under Article 20 of the Order which is waste of a description set out in the first column of Table B included references to litter of a description set out in the second column thereof.

Table A

<i>Description of waste</i>	<i>Description of litter</i>
Household waste.	Litter collected under Article 7(1)(a) and (e) of the 1994 Order.
Industrial waste.	Litter collected under Article 7(1)(b) and (d) of the 1994 Order.
Commercial waste.	Litter collected under Articles 7(1)(c) and (f), 12(10) and 13 of the 1994 Order.

Table B

<i>Description of waste</i>	<i>Description of litter</i>
Household waste.	Litter collected under Article 7(1)(a) of the 1994 Order.
Commercial waste.	Litter collected under Article 12(10) of the 1994 Order.

Exceptions from Article 4(1)(c) of the Order

10.—(1) Subject to the following provisions of this regulation, Article 4(1)(c) of the Order shall not apply –

- (a) in cases where a disposal licence under Article 7 of the Pollution Control and Local Government (Northern Ireland) Order 1978(a) is not required by virtue of regulation 9 of the Waste Collection and Disposal Regulations (Northern Ireland) 1992(b); or
- (b) as respects the use of land by a district council in accordance with a resolution under Article 13 of that Order.

(2) Paragraph (1)(b) shall cease to apply in relation to a district council as from the date on which an existing resolution of a district council is deemed to be a waste management licence under Article 47(3) of the Order.

Revocations

11. Regulations 3 to 7 of and Schedules 1 to 4 to the Waste Collection and Disposal Regulations (Northern Ireland) 1992 are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 22nd July 2002.

(L.S.)

Dermot Nesbitt
Minister of the Environment

(a) S.I. 1978/1049 (N.I. 19)

(b) S.R. 1992 No. 254; regulation 9 and Schedule 6 are amended by regulation 2 of the Waste Collection and Disposal (Amendment) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 52) and by regulation 21 of and Schedule 3 to the Special Waste Regulations (Northern Ireland) 1998 (S.R. 1998 No. 289)

SCHEDULE 1

Regulation 3

WASTE TO BE TREATED AS HOUSEHOLD WASTE

1. Waste from any hereditament which is distinguished as exempt from rates by virtue of Article 41(2)(b) of the Rates (Northern Ireland) Order 1977 in so far as it relates to purposes connected with public religious worship.
2. Waste from premises occupied by a charity and wholly or mainly used for charitable purposes.
3. Waste from any land belonging to or used in connection with domestic property, a caravan or a residential home.
4. Waste from a private garage which either has a floor area of 25 square metres or less or is used wholly or mainly for the accommodation of a private motor vehicle.
5. Waste from private storage premises used wholly or mainly for the storage of articles of domestic use.
6. Waste from a moored vessel used wholly for the purposes of living accommodation.
7. Waste from a camp site.
8. Waste from a prison or other penal institution.
9. Waste from a hall or other premises used wholly or mainly for public meetings.
10. Waste arising from the discharge by a district council of its duty under Article 7(2) of the 1994 Order.

SCHEDULE 2

Regulation 5

TYPES OF HOUSEHOLD WASTE FOR WHICH A CHARGE FOR COLLECTION MAY BE MADE

1. Any article of waste which exceeds 25 kilograms in weight.
2. Any article of waste which does not fit, or cannot be fitted into –
 - (a) a receptacle for household waste provided in accordance with Article 21 of the Order; or
 - (b) where no such receptacle is provided, a cylindrical container 750 millimetres in diameter and 1 metre in length.
3. Garden waste.
4. Clinical waste from a domestic property, a caravan or from a moored vessel used wholly for the purposes of living accommodation.
5. Waste from a residential hostel, a residential home or from premises forming part of a university, school or other educational establishment or forming part of a hospital or nursing home.
6. Waste from a domestic property or a caravan used in the course of a business for the provision of self-catering holiday accommodation.
7. Dead domestic pets.
8. Any substances or articles which, by virtue of a notice served by a district council under Article 21 of the Order, the occupier of the premises may not put into a receptacle for household waste provided in accordance with that Article.
9. Litter collected under Article 7(1)(e) of the 1994 Order.
10. Waste from domestic property forming part of a mixed hereditament.
11. Any mineral or synthetic oil or grease.
12. Asbestos.
13. Waste from a caravan which in accordance with any licence or planning permission regulating the use of the caravan site on which the caravan is stationed is not allowed to be used for human habitation throughout the year.
14. Waste from a camp site, other than from any domestic property on that site.
15. Waste from premises occupied by a charity and wholly or mainly used for charitable purposes, unless it is waste falling within paragraph 1 of Schedule 1.
16. Waste from a prison or other penal institution.
17. Waste from a hall or other premises used wholly or mainly for public meetings.

WASTE TO BE TREATED AS INDUSTRIAL WASTE

1. Waste from premises used for maintaining vehicles, vessels or aircraft, not being waste from a private garage to which paragraph 4 of Schedule 1 applies.
2. Waste from a laboratory.
- 3.—(1) Waste from a workshop or similar premises not being a factory within the meaning of section 175 of the Factories Act (Northern Ireland) 1965(a) because the people working there are not employees or because the work there is not carried on by way of trade or for purposes of gain.
(2) In this paragraph, “workshop” does not include premises at which the principle activities are computer operations or the copying of documents by photographic or lithographic means.
4. Waste from premises occupied by a scientific research association approved by the Secretary of State under section 508 of the Income and Corporation Taxes Act 1988(b).
5. Waste from dredging operations.
6. Waste arising from tunnelling or from any other excavation.
7. Waste arising from works of construction or demolition, including waste arising from work preparatory thereto.
8. Septic tank sludge not falling within regulation 8(a) or (c).
9. Sewage not falling within a description in regulation 8 which—
 - (a) is treated, kept or disposed of in or on land, other than by means of a privy, cesspool or septic tank;
 - (b) is treated, kept or disposed of by means of mobile plant; or
 - (c) has been removed from a privy or cesspool.
10. Clinical waste other than—
 - (a) clinical waste from a domestic property, caravan, residential home or from a moored vessel used wholly for the purposes of living accommodation; or
 - (b) waste collected under Articles 7, 12(10) or 13 of the 1994 Order.
11. Waste arising from any aircraft, vehicle or vessel which is not occupied for domestic purposes.
12. Waste which has previously formed part of any aircraft, vehicle or vessel and which is not household waste.
13. Waste removed from land on which it has previously been deposited and any soil with which such waste has been in contact, other than waste collected under Articles 7, 12(10) or 13 of the 1994 Order.
14. Leachate from a deposit of waste.
15. Poisonous or noxious waste arising from any of the following processes undertaken on premises used for the purposes of a trade or business—
 - (a) mixing or selling paints;
 - (b) sign writing;
 - (c) laundering or dry cleaning;
 - (d) developing photographic film or making photographic prints;
 - (e) selling petrol, diesel fuel, paraffin, kerosene, heating oil or similar substances; or
 - (f) selling pesticides, herbicides or fungicides.
16. Waste from premises used for the purposes of breeding, boarding, stabling or exhibiting animals.

(a) 1965 c. 20 (N.I.)

(b) 1988 c. 1

17.—(1) Waste oil or waste solvent, other than –

(a) waste from a domestic property, caravan or residential home;

(b) waste falling within paragraphs 3 to 6 of Schedule 1.

(2) In this paragraph—

“waste oil” means mineral or synthetic oil which is contaminated, spoiled or otherwise unfit for its original purpose; and

“waste solvent” means solvent which is contaminated, spoiled or otherwise unfit for its original purpose.

18. Waste arising from the discharge by the Department of its duty under Article 7(2) of the 1994 Order.

19. Waste imported into Northern Ireland.

20.—(1) Tank washings or garbage landed in Northern Ireland.

(2) In this paragraph –

“tank washings” means waste residues from the tanks (other than the fuel tanks) or holds of a ship or waste arising from the cleaning of such tanks or holds; and

“garbage” means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically, except sewage originating from ships.

WASTE TO BE TREATED AS COMMERCIAL WASTE

1. Waste from an office or showroom.
2. Waste from a hotel within the meaning of section 1(3) of the Hotel Proprietors Act (Northern Ireland) 1958(a).
3. Waste from any part of a mixed hereditament which is used for the purposes of a trade or business.
4. Waste from a private garage which either has a floor area exceeding 25 square metres or is not used wholly or mainly for the accommodation of a private motor vehicle.
5. Waste from premises occupied by a club, society or any association of persons (whether incorporated or not) in which activities are conducted for the benefit of the members.
6. Waste from premises (not being premises from which waste is by virtue of the Order or of any other provision of these Regulations to be treated as household waste or industrial waste) occupied by—
 - (a) a court;
 - (b) a government department;
 - (c) a district council;
 - (d) a body corporate or an individual appointed by or under any enactment to discharge any public functions; or
 - (e) a body incorporated by a Royal Charter.
7. Waste from a tent pitched on land other than a camp site.
8. Waste from a market or fair.
9. Waste collected under Article 7(5) of the 1994 Order.

(a) 1958 c. 32 (N.I.)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Article 2(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997 (“the Order”) defines three sorts of controlled waste: household, industrial and commercial waste. The Order enables regulations to be made whereby waste of any description is to be treated for the purposes of the provisions of Part II as being of one or other of those categories. In these Regulations references to waste includes references to litter as provided for by Article 17 of the Litter (Northern Ireland) Order 1994.

Regulation 3 provides for certain descriptions of waste to be treated as household waste for the purposes of Part II of the Order.

Regulation 4 prescribes certain types of waste which are not to be treated as household waste.

Regulation 5 prescribes a number of cases where a charge may be made for the collection of household waste.

Regulation 6 prescribes certain types of waste which are to be treated as industrial waste.

Regulation 7 prescribes certain types of waste which are to be treated as commercial waste.

Regulation 8 prescribes certain types of waste which are not to be treated as industrial or commercial waste.

Regulation 9 provides for certain types of litter to be treated as controlled waste for the purposes of Part II of the Order.

Regulation 10 exempts from the duty under Article 4(1)(c) of the Order (prohibition on unauthorised or harmful deposit, treatment or disposal etc of controlled waste) cases where a disposal licence is not required under Part II of the Pollution Control and Local Government (Northern Ireland) Order 1978, and certain land used by existing district councils.

Regulation 11 makes consequential revocations in respect of the Waste Collection and Disposal Regulations (Northern Ireland) 1992.

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