
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 300

The Hazardous Waste Regulations (Northern Ireland) 2005

PART 1

GENERAL

General interpretation

2.—(1) In these Regulations—

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

“asbestos waste” means waste which contains or is contaminated by asbestos and “domestic asbestos waste” refers to such waste arising from domestic premises;

“carrier”, in relation to a consignment of hazardous waste, means a person who takes one or more of the following actions, namely, collects the consignment of hazardous waste from the premises at which it was produced or is being held, delivers it to the consignee, or transports it in the course of any leg of its transfer from those premises to the consignee;

“carrier’s round”, in relation to consignments of hazardous waste, means a journey made by a carrier during which he collects more than one consignment of hazardous waste and transports all consignments collected to the same consignee who is specified in the consignment note;

“collection” means the gathering, sorting or mixing of waste or any one or more of those operations, for the purpose of transport and “collected” and other cognate expressions shall be construed accordingly;

“consignee”, in relation to any consignment of hazardous waste, means the person to whom that waste is or is to be delivered for recovery or disposal;

“consignment note”, in relation to a consignment of hazardous waste, means the identification form, as set out in Schedule 4, which is required to accompany the hazardous waste when it is transferred pursuant to Article 5(3)(a) of the Hazardous Waste Directive containing the details required by these Regulations to be shown in respect of that consignment;

“consignor”, in relation to a consignment of hazardous waste, means the person who causes that waste to be removed from the premises at which it was produced or is being held;

“conveyance” includes a vehicle designed to carry goods by road or rail and a vessel designed to carry goods by water;

“disposal” means any of the operations provided for in Annex IIA of the Waste Directive and cognate expressions shall be construed accordingly⁽¹⁾;

“Department” means Department of the Environment;

(1) The meaning of “disposal” and “recovery” has been interpreted by the European Court of Justice in C-6/00. The Court held (at paragraph 60 of the judgment) “. . . the intention of Annexes II A and II B to the Directive is to list the most common disposal and recovery operations and not precisely and exhaustively to specify all the disposal and recovery operations covered by the Directive.”

“emergency or grave danger” is a present or threatened situation arising from a substance or object which is, or which there are reasonable grounds to believe is, hazardous waste, and the situation constitutes a threat to the population or the environment in any place;

“European Waste Catalogue” means the list of wastes set out in the Annex to Commission Decision [2000/532/EC](#), as for the time being amended(2);

“harbour area” has the same meaning as in the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991(3);

“hazardous waste” has the meaning given to hazardous waste by regulation 6 and any reference to hazardous waste shall be taken to include special waste imported from Scotland within the meaning of the Special Waste Regulations 1996(4) as amended by the Special Waste Amendment (Scotland) Regulations 2004(5);

“the Hazardous Waste Directive” means Council Directive [91/689/EEC](#)(6) of 31st December 1991 on hazardous waste, as amended by Council Directive [94/31/EC](#)(7);

“holder” means the producer of waste or the person who is or who was, prior to consignment or spillage of the waste, in possession of it, not being the carrier of the waste;

“the List Decision”, “the List of Wastes Regulations” and “the List of Wastes” have the meanings given by regulation 5 and the expressions “listed as a waste”, “listed as a hazardous waste” and “not listed as hazardous” are construed in accordance with that regulation;

“mixing” shall be construed in accordance with regulation 18;

“non-hazardous waste” and cognate expressions have the meaning given by regulation 7;

“permit” means a permit, licence, or authorisation issued pursuant to The Environment (Northern Ireland) Order 2002(8) or The Waste and Contaminated Land (Northern Ireland) Order 1997(9) or a registered exemption from a waste management licence in accordance with the Waste Management Licensing Regulations (Northern Ireland) 2003(10);

“premises” includes any ship, container, aircraft or vehicle and any other means of transport, any land, with or without buildings, construction or installation and any place situated on a road or on or in water, and vehicle includes any means of transport;

“producer” means any person whose activities produce waste (“original producer”) and/or any person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

“recovery” means any of the operations provided for in Annex IIB of the Waste Directive and cognate expressions shall be construed accordingly(11);

“relevant code” in relation to a consignment note or carrier’s schedule, means the code assigned in accordance with regulation 22 to the consignment of hazardous waste to which the consignment note or carrier’s schedule relates or, where the consignment is one in a carrier’s round, to the consignments in that round;

(2) The Decision in force at the date of making these Regulations is Commission [2000/532/EC](#) (O.J. No. L226, 6.9.2000, p. 3) as amended by Commission Decision [2001/118/EC](#) (O.J. No. L047, 16.2.2001, p. 1), [2001/119/EC](#) (O.J. No. L047, 16.2.2001, p. 32) and [2001/573/EC](#) (O.J. No. L203, 28.7.2001, p. 18)

(3) S.R. 1991 No. 509

(4) S.I. 1996/972

(5) S.I. 2004/112 (Scotland)

(6) O.J. No. L377, 31.12.1991, p. 20

(7) O.J. No. L168, 2.7.1994, p. 28

(8) S.I. 2002/3153 (N.I. 7)

(9) S.I. 1997/2778(N.I. 19)

(10) S.R. 2003 No. 493

(11) The meaning of “disposal” and “recovery” has been interpreted by the European Court of Justice in C-6/00. The Court held (at paragraph 60 of the judgement) “. . . the intention of Annexes IIA and IIB to the Directive is to list the most common disposal and recovery operations and not precisely and exhaustively to specify all the disposal and recovery operations covered by the Directive.”

“schedule of carriers”, in relation to a consignment of hazardous waste, means the schedule required to be completed pursuant to regulations 26;

“separation” means separation of a waste from any other waste, substance or material;

“ship” means a vessel of any type whatsoever operating in the marine environment including submersible craft, floating craft and any structure which is a fixed or floating platform; and

“six digit code” means the six digit code referable to a type of waste in accordance with the List of Wastes, and in relation to hazardous waste, includes the asterisk;

“United Kingdom ship” has the meaning given by section 1 of the Merchant Shipping Act 1995(12);

“waste” has the meaning given in regulation 3;

“Waste Directive” has the meaning given in regulation 3;

(2) A reference to the holder of waste—

(a) includes—

(i) where the waste has been transported, a reference to the person who, immediately prior to the consigning of the waste, was the holder;

(ii) where any waste has been spilled, a reference to the person who was, prior to any spill, in possession of the waste;

(b) does not include a reference to the carrier; and

(c) where regulations 31 (duty of consignee not accepting delivery) and 32 (further consignment note for rejected consignment) apply, does not include a reference to the consignee who has rejected the load.

(3) Other words and expressions used in these Regulations and which are used in the Waste Directive or the Hazardous Waste Directive have the same meaning as in the Waste Directive or the Hazardous Waste Directive, as the case may be.