STATUTORY RULES OF NORTHERN IRELAND

2015 No. 14

ENVIRONMENTAL PROTECTION

The Food Waste Regulations (Northern Ireland) 2015

Made - - - -	*22nd January 2015*
Coming into operation	*14th February 2015*

The Department of the Environment has been designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in respect of measures relating to the prevention, reduction and elimination of pollution caused by waste and in relation to the environment.

The Department of the Environment in exercise of powers conferred on it by that section and by Article 6(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**3**), and by Articles 4(1) and 4(3) of the Environment (Northern Ireland) Order 2002(**4**) hereby makes the following Regulations.

In accordance with Article 4(4) of the Environment (Northern Ireland) Order 2002, the Department has consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate; such bodies or persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such other bodies or persons as it considers appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Waste Regulations (Northern Ireland) 2015 and shall come into operation on 14th February 2015.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

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—

(**1**) S.I.1992/2870 and S.I.2008/301
(**2**) 1972 c.68
(**3**) S.I. 1997/2778 (N.I. 19) as relevantly amended by S.R. 2003 No. 46, S.R. 2004 No. 277, S.R. 2006 No. 280, S.I. 2006/3336 (N.I.21), S.I. 2007/611 (N.I. 3) and S.R. 2011 No. 127
(**4**) S.I.2002/3153 (N.I. 7) to which there are amendments not relevant to these Regulations
(**5**) 1954 c.33 (N.I.)

""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(**6**)); 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(**7**); 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).

(**6**) S.I. 1991/194 (N.I. 1) as relevantly amended by 2009 c.1 (N.I.)
(**7**) 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

(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(**8**);

"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

(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).

(**8**) 2006/3336 (N.I.12)