STATUTORY RULES OF NORTHERN IRELAND

2009 No. 178

ENVIRONMENTAL PROTECTION

The Waste Management Strategy Regulations (Northern Ireland) 2009

Made - - - - *28th April 2009*

Coming into operation *1st July 2009*

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

The Department makes the following Regulations in exercise of the powers conferred upon it by that section.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Waste Management Strategy Regulations (Northern Ireland) 2009 and shall come into operation on 1st July 2009.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Waste and Contaminated Land (Northern Ireland) Order 1997

2.—(1) The Waste and Contaminated Land (Northern Ireland) Order 1997(**4**) is amended as follows.

(2) In Article 2(2) insert the following definitions in alphabetical order—

""the Packaging Waste Directive" means the European Parliament and Council Directive of 94/62/EC on packaging and packaging waste(**5**);

"public consultees" means the persons to whose attention proposals for the waste management strategy are brought by the Department pursuant to Article 19B(1)(b);

(**1**) S.I. 1992/2870 and 1996/266
(**2**) 1972 c.68
(**3**) 1954 c.33 (N.I.)
(**4**) S.I. 1997/2778 (N.I. 19).
(**5**) O.J. No.365, 31.12.1994, p.10; as amended by Regulation (EC) No. 1882/2003 of the European Parliament and of the Council (O.J. No. L 284, 31.10.2003, p. 1), Directive 2004/12/EC of the European Parliament and of the Council (O. J. No. L 47, 18.2.2004, p.26) and Directive 2005/20/EC of the European Parliament and of the Council (O. J. No. L 70, 16. 03. 2005, p.17).

"waste management strategy" means the strategy prepared or modified pursuant to Article 19.".

(3) In Article 2(2) for the definition of "the Waste Directive" substitute the following—

""the Waste Directive" means Directive 2006/12/EC of the European Parliament and of the Council, dated 5 April 2006, on waste;"(**6**)

(4) For Article 19 (Waste strategy) substitute—

"**Waste management strategy**

19.—(1) The Department shall have a waste management strategy containing its policies in relation to the recovery and disposal of waste in Northern Ireland.

(2) The Department may from time to time modify the waste management strategy.

(3) The waste management strategy shall consist of a statement which relates to the whole of Northern Ireland.

(4) The waste management strategy shall include—

(a) a statement of the Department's policies for attaining the objectives specified in Schedule 3;

(b) in pursuance of the objectives and measures referred to in the Packaging Waste Directive, a chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 4 and 5 of that Directive; and

(c) provisions relating to the following—

(i) the type, quantity and origin of waste to be recovered or disposed of;

(ii) general technical requirements;

(iii) any special arrangements for particular wastes;

(iv) suitable disposal sites or installations; and

(v) the management of hazardous waste.

(5) In preparing the waste management strategy the Department—

(a) shall consult district councils and such other bodies or persons appearing to it to be representative of the interests of industry as it considers appropriate, and may consult such other bodies or persons as it considers appropriate;

(b) may carry out a survey or investigation into—

(i) the kinds or quantities of waste which it appears to it is likely to be situated in Northern Ireland,

(ii) the facilities which are or appear to it likely to be available or needed in Northern Ireland for recovering or disposing of any such waste,

(iii) any other matter which the Department considers appropriate in connection with its preparation of the strategy.

(6) Before carrying out a survey or investigation under paragraph (5)(b), the Department shall consult such bodies or persons appearing to it to be representative of the interests of industry as it may consider appropriate, and shall consult such other bodies or persons as it may consider appropriate.

(7) The Department shall make its findings available to any bodies or persons it consults in accordance with paragraph (5)(a) or (6).".

(5) After Article 19 insert—

(**6**) O.J. No. L 114, 27.04.06, p.21; as amended by Directive 2008/98/EC of the European Parliament and of the Council (O.J. No. L 312, 22.11.2008, p3).