STATUTORY RULES OF NORTHERN IRELAND

2002 No. 271

ENVIRONMENTAL PROTECTION

The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002

Made - - - -	*27th August 2002*
Coming into operation	*1st October 2002*

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(3) and 5(7) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**1**) and of all other powers enabling it in that behalf, hereby makes the following regulations: –

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 and shall come into operation on 1st October 2002.

(2) In these Regulations –

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

"European Waste Catalogue" means the list of waste belonging to the categories listed in Commission Decision 2000/532/EC(**2**), as amended by Commission Decision 2001/118/EC(**3**) and Commission Decision 2001/119/EC(**4**);

"scrap metal" means any old metal, and any broken, worn out, defaced or partly manufactured articles made wholly or partly of metal and any metallic wastes, and also includes old, broken, worn out or defaced tooltips or dies made of any of the materials commonly known as hard metal or of cemented or sintered metallic carbides;

"transferor" and "transferee" mean respectively, in relation to a transfer of controlled waste by a person who is subject to the duty imposed by Article 5(1) of the 1997 Order, the person who in compliance with that Article transfers a written description of the waste and the person who receives that description.

(**1**) S.I.1997/2778 (N.I. 19)
(**2**) O.J. No. L226, 6.9.2000, p. 3
(**3**) O.J. No. L047, 16.2.2001, p. 1
(**4**) O.J. No. L047, 16.2.2001, p. 32

Transfer Notes

2.—(1) Subject to paragraph (3), the transferor and the transferee shall, at the same time as the written description of the waste is transferred, ensure that such a document as is described in paragraph (2) ("a transfer note") is completed and signed on their behalf.

(2) A transfer note shall –

(a) identify the waste to which it relates by reference to the appropriate categories in the European Waste Catalogue and state—

(i) its quantity and whether on transfer it is loose or in a container;

(ii) if in a container, the kind of container; and

(iii) the time and place of transfer;

(b) give the name and address of the transferor and the transferee;

(c) state whether or not the transferor is the producer or importer of the waste and, if so, which;

(d) if the transfer is to a person for authorised transport purposes, specify which of those purposes; and

(e) state as respects the transferor and the transferee which, if any, of the categories of person shown in column 1 of the following Table describes him, and provide any relevant additional information specified in column 2 of the Table.

(3) Paragraph (1) shall not apply where the waste transferred is special waste within the meaning of the Special Waste Regulations (Northern Ireland) 1998(**5**) and the consignment note and, where appropriate, schedule required by those Regulations are completed and dealt with in accordance with those Regulations.

TABLE

Category of Person	*Additional information*
A district council as waste collection and disposal authority for the purposes of Part II of the 1997 Order.	
A person who is the holder of a waste management licence under Article 6 of the 1997 Order or of a disposal licence under Article 7 of the Pollution Control and Local Government (Northern Ireland) Order 1978(**6**).	If the waste is to be kept, treated or disposed of by that person, the relevant licence number and the name of the licensing authority.
A person to whom Article 4(1) of the 1997 Order does not apply by virtue of regulations under paragraph (3) of that Article.	
A person registered as a carrier of controlled waste under Article 39 of the 1997 Order.	His registration number.
A person who is not required to be so registered by virtue of regulations under Article 38(3) of the 1997 Order.	

(**5**) S.R. 1998 No. 289
(**6**) S.I. 1978/1049 (N.I. 19)