STATUTORY RULES OF NORTHERN IRELAND

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(**1**), Articles 2(2), 2(3), 4(3) and 20(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**2**) 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;

(**1**) S.I.1994/1896 (N.I. 10)
(**2**) S.I. 1997/2778 (N.I. 19), *see* Article 2(2) for definition of "the Department", "prescribed" and "regulations"

"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(**3**) and partly for other purposes;

"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(**4**);

(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.

(**3**) S.I. 1977/2157 (N.I. 28)
(**4**) 1949 c. 2 (N.I.)

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(**5**);

(c) septic tank sludge which is used on agricultural land within the meaning of the Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990.

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

Description of waste	*Description of litter*
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

Description of waste	*Description of litter*
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 –

(**5**) S.R. 1990 No. 245

(a) in cases where a disposal licence under Article 7 of the Pollution Control and Local Government (Northern Ireland) Order 1978(**6**) is not required by virtue of regulation 9 of the Waste Collection and Disposal Regulations (Northern Ireland) 1992(**7**); 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.

Dermot Nesbitt
Minister of the Environment

(**6**) S.I. 1978/1049 (N.I. 19)
(**7**) 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)