1992 No. 254

PUBLIC HEALTH

The Waste Collection and Disposal Regulations (Northern Ireland) 1992

Made . . . . . 4th June 1992

Coming into operation in accordance with regulation 1

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(**a**), 5(1), 12(1), 14(3), 36(3) and 86(2) of the Pollution Control and Local Government (Northern Ireland) Order 1978(**b**) and of every other power enabling it in that behalf, and, in the case of regulation 9, having regard to the expediency of excluding from the controls imposed by Article 5(1) the matters referred to in Articles 6(3)(*a*) to (*c*), hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Waste Collection and Disposal Regulations (Northern Ireland) 1992.

(2) This regulation, regulations 2, 5, 10 and 11, and, so far as they relate to the provisions of Articles 14 and 15, regulations 3, 6 and 7, shall come into operation on 1st July 1992. The remainder of these regulations shall come into operation on 1st October 1992.

Interpretation

2.—(1) In these regulations—

"agriculture" has the same meaning as in section 43 of the Agriculture Act (Northern Ireland) 1949(**c**);

"agricultural purposes" means the growing of commercial food crops including the growing of such crops for stock-rearing purposes;

"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;

"clinical waste" includes—

(*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

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(**a**) *See* definitions of "the Department", "prescribed" and "regulations".
(**b**) S.I. 1978/1049 (N.I. 19)
(**c**) 1949 c. 2 (N.I.)

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;

"construction" includes improvement, repair or alteration;

"container" includes a container in or on a vehicle and a receptacle within the meaning of Article 15;

"liquid waste" means waste which in the conditions under which it is handled will flow and can be transferred by pump and includes leachate from waste;

"the Order" means the Pollution Control and Local Government (Northern Ireland) Order 1978;

"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;

"sewage sludge" means the residue produced at a sewage treatment works which is not discharged with the treated effluent;

"special waste" has the meaning given to it in the Pollution Control (Special Waste) Regulations (Northern Ireland) 1981(**a**);

"waste oil" means mineral or synthetic oil, which is contaminated, spoiled or otherwise unfit for its original purpose;

"waste solvent" means solvent which is contaminated, spoiled or otherwise unfit for its original purpose.

(2) Any reference in these regulations to a numbered Article is a reference to the Article of the Order bearing that number.

(3) Any reference in these regulations to waste does not include a reference to waste from any mine or quarry or to waste from premises used for agriculture.

Waste to be treated as household waste

3. Waste of the descriptions set out in Schedule 1 shall be treated as household waste for the purposes of all the provisions 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 6(2) (disposal of household waste within the curtilage of a private dwelling)—

(a) S.R. 1981 No. 252

(*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 14(3) as a case in respect of which a charge for collection may be made.

Waste to be treated as industrial waste

6. Waste of the descriptions set out in Schedule 3 shall be treated as industrial waste for the purposes of all the provisions of Part II of the Order.

Waste to be treated as commercial waste

7. Waste of the descriptions set out in Schedule 4 shall be treated as commercial waste for the purposes of all the provisions of Part II of the Order.

Licence required for the use of plant or equipment for dealing in a prescribed manner with controlled waste

8. The manners of dealing with controlled waste set out in Schedule 5 are prescribed for the purposes of Article 5(1)(*b*) of the Order.

Cases where disposal licence not required

9.—(1) Subject to the provisions of paragraphs (2) and (3), the cases set out in Schedule 6 are prescribed for the purposes of Article 5(1) as cases in which a disposal licence is not required for the deposit of controlled waste on land, or for the use of plant or equipment for the purpose of disposing of such waste, or for the use of plant or equipment for the purpose of dealing with such waste in a manner prescribed by regulation 8.

(2) Paragraphs 1 to 16 of Schedule 6 do not apply where the presence of the waste on land is likely to give rise to an environmental hazard within the meaning of Article 6(5).

(3) Paragraphs 1 to 13, 15 and 16 of Schedule 6 do not apply where the waste is special waste.

Appeals under Article 12(1)

10.—(1) A person ("the appellant") appealing to the Department under Article 12(1) against a decision of a district council ("the council") shall give notice of appeal to the Department within six months from—

(*a*) the date of the decision which is the subject of the appeal; or

(*b*) the date on which the council is deemed by Article 8(5) to have rejected the application;

or within such longer period as the Department may allow.

(2) The appellant shall give notice of appeal on the form set out in Schedule 7, and the notice shall have annexed to it a statement of the grounds on which the appeal is made.

(3) The appellant shall send to the Department with the notice of appeal two copies of the following documents—

(*a*) where the appeal is made pursuant to Article 12(1)(*a*) or (*b*), the application and any relevant plans, drawings, particulars and other documents submitted in support of the application;

(*b*) where the appeal is against a refusal to modify an existing disposal licence or is made pursuant to Article 12(1)(*b*), (*c*) or (*d*), the disposal licence;

(*c*) any other consent, determination or notice given by the council which is relevant to the appeal;

(*d*) any planning permission which is in force and relates to the use of the relevant land, plant or equipment;

(*e*) any relevant consent granted under the Water Act (Northern Ireland) 1972(**a**); and

(*f*) any other correspondence or other document that is relevant to the appeal.

(4) The appellant shall send to the council a copy of the notice of appeal including the statement of grounds, and a copy of any other document submitted by him to the Department.

Revocations

11. Regulations 5, 6 and 7 of the Pollution Control (Licensing of Waste Disposal) Regulations (Northern Ireland) 1980(**b**) shall be revoked on 1st July 1992 and the remainder of those regulations shall be revoked on 1st October 1992.

Sealed with the Official Seal of the Department of the Environment on 4th June 1992.

(L.S.) *R. W. Rogers*
Assistant Secretary

(**a**) 1972 c. 5 (N.I.)
(**b**) S.R. 1980 No. 98

SCHEDULE 1 regulation 3

Waste to be Treated as Household Waste

1. Waste from premises which are not a private dwelling for the purposes of the Rates (Northern Ireland) Order 1977(**a**) by virtue of paragraph 2 of Schedule 5 to that Order (rooms let singly for residential purposes).

2. Waste from a garage or store used wholly in connection with a private dwelling.

3. Waste from premises occupied by a religious community and used wholly for the purposes of human habitation.

4. Waste from premises exempted from liability to be rated by virtue of Article 41(2)(*b*) of the Rates (Northern Ireland) Order 1977 (relief from rates for places of religious worship).

5. Waste from premises given relief from the payment of rates by virtue of Article 41(2)(*c*) of the Rates (Northern Ireland) Order 1977 (relief from rates for charitable organisations).

6. Waste from a camp site.

7. Waste from a residential hostel.

8. Waste from a prison or other penal institution.

9. Waste from a hall or other premises used wholly or mainly for public meetings.

(a) S.I. 1977/2157 (N.I. 28)