EXPLANATORY MEMORANDUM TO

The Waste (Amendment) Regulations (Northern Ireland) 2013

SR 2013 No. 241

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers conferred by Section 2(2) of the European Communities Act 1972 and Articles 3(3)(a), 4(3), 5(7), 38(3), 40(3), 48 and 77 of the Waste and Contaminated Land (Northern Ireland) Order 1997 and is subject to the negative resolution procedure.

2. Purpose

2.1. To amend the Waste Regulations (Northern Ireland) 2011 ('the 2011 Regulations').

3. Background

3.1. The Waste Regulations (Northern Ireland) 2011 transposed the requirements of the revised Waste Framework Directive (2008/98/EC) ('the Directive').

3.2. Included in the 2011 Regulations was regulation 21 which provided that for the purposes of those Regulations co-mingled collection of waste was an acceptable form of separate collection. As this was not a provision of the Directive, the Department accepted that inclusion of this provision in the transposing legislation was not appropriate. Accordingly, the Waste (Amendment) Regulations (Northern Ireland) 2013 ('the 2013 Regulations') amend the 2011 Regulations to remove regulation 21.

3.3. In addition to the revocation of regulation 21 the 2013 Regulations amend a number of typing errors that occurred in the 2011 Regulations, the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002, the Pollution Prevention and Control Regulations (Northern Ireland) 2003, the Waste Management Licensing Regualtions (Northern Ireland) 2003 and the Hazardous Waste Regulations (Northern Ireland) 2005.

4. Consultation

4.1. A public consultation took place between 6 July 2012 and 12 October 2012. In total, 26 responses to the consultation document were received, most of which simply noted the proposals but did not express any views on them. Overall, there was support for the amendment.

5. Equality Impact

5.1. There are no equality issues associated with these Regulations.

6. Regulatory Impact

6.1. An Impact Assessment was carried out and concluded that introduction of these amending Regulations would have no major impact.

7. Financial Implications

7.1. N/A

8. Section 24 of the Northern Ireland Act 1998

8.1. The Statutory Rule complies with the provisions set out in Section 24.

9. EU Implications

9.1. Failure to amend the 2011 Regulations could result in the Regulations being challenged through the Courts by way of a Judicial Review, it could also attract fines from the European Commission for incorrect transposition of the Waste Framework Directive.

10. Parity or Replicatory Measure

10.1. Similar measures have already been introduced in England and Wales.

11. Additional Information

11.1. Not applicable.