EXPLANATORY MEMORANDUM TO

The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2022

SR 2022 No. 288

1. Introduction

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

1.2. The Statutory Rule is made under Article 3(5) of the Waste and Contaminated Land (Northern Ireland) Order 1997 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Department has introduced The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2022, which amend the Waste Management Licensing Regulations (Northern Ireland) 2003. The purpose of the Regulations is to add EU Skills (Energy and Utility Skills Limited) as an additional accredited provider of assurance of technical competence in Northern Ireland, to change WAMITAB's name (Waste Management Industry training & Advisory Board) to CIWM (Chartered Institution of Wastes Management) and to remove the Operator Competence Certificate (OCC) codes from Schedule 1.

3. Background

3.1. The Regulations add EU Skills as an additional accredited provider of assurance of technical competence in Northern Ireland. Currently in Northern Ireland, waste operators are only able to demonstrate technical competence by obtaining OCCs from WAMITAB.

Other proposals include measures to:

3.2. Update WAMITAB's name to CIWM for the purposes of legislation and remove the outdated codes of competence within the OCC table in Schedule 1 of the regulations. Going forwards, the OCC table will be found in NIEA guidance and can be updated in the future without the requirement to make amendments to the legislation.

4. Consultation

4.1. The Department issued a consultation document on 15 November 2021. The purpose of the consultation, which ran until 10 January 2022, was to seek views on its proposed amendments to the Waste Management Licensing Regulations (Northern Ireland) 2003 (the 2003 Regulations). There were 14 responses to the consultation. 13 out of 14 respondents supported the overall policy.

5. Equality Impact

5.1. It was determined at the time of consultation that changes made by this Rule would have no impact in terms of Section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A partial regulatory impact assessment was completed prior to the consultation period.

7. Financial Implications

7.1. The amendments impose no additional costs on the waste industry as operators will be able to choose to maintain their operator competence with CIWM (WAMITAB) or to use EU Skills as an assessor of competence.

8. Section 24 of the Northern Ireland Act 1998

8.1. These Regulations are deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. None.

10. Parity or Replicatory Measure

10.1. EU Skills received accreditation to operate in England and Wales as an approved provider of assurance of technical competence by Defra in 2009 and was approved by the Scottish Environment Protection Agency (SEPA) in 2012.

11. Additional Information

11.1. Not applicable