



STATUTORY INSTRUMENTS.

S.I. No. 24 of 2016



WASTE MANAGEMENT (COLLECTION PERMIT)(AMENDMENT)
REGULATIONS 2016

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I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 7, 15, 18, 19, 32, 34, 34B, 36 and 50 of the Waste Management Act 1996 (No. 10 of 1996), hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Waste Management (Collection Permit) (Amendment) Regulations 2016.

Amendment to the Waste Management (Collection Permit) Regulations 2007

2. The Waste Management (Collection Permit) Regulations 2007 (S.I. 820 of 2007) are hereby amended by—

(a) In article 4(2) by—

(i) substituting—

(I) the following for the definition of “fit and proper person”:

“ “fit and proper person” means a fit and proper person in accordance with section 34D of the Act;”,

(II) the following for the definition of “region”

“ “region” means the local authority areas specified in Column (1) of the third schedule which have jointly made a waste management plan as respects their functional areas in accordance with section 22(3) of the Act;”,

(ii) inserting-

(I) the following before the definition of “the Act”:

“ “Act of 1992” means the Environmental Protection Agency Act 1992 (Number 7 of 1992);”,

(II) the following after the definition of “biological treatment”:

“ “bio-waste” is as defined in the Act;”,

(III) the following after the definition of “registration holder”:

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 22nd January, 2016.*

“ “Regulation 1069” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002¹”,

(IV) the following after the definition of “Fluorinated Greenhouse Gas container”:

“ “food waste” includes any food substance used, available to be used, or intended to be used, for food by human persons and discarded as household waste;”,

(V) the following definition after the definition of “IPPC Licence”:

“ “List of Waste” means the List of Waste (LoW) as set out in Commission Decision of 18 December 2014, amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European parliament and of the Council (2014/955/EEC);”,

(VI) the following after the definition of “nominated authority”:

“ “off-shore island” means an island which is not accessible by road from the mainland;”,

(VII) the following after the definition of “party to an application”:

“ “person who presents the household waste for collection” means either the original waste producer whose activities produce household kerbside waste or, as the case may be, the person who arranges, on behalf of more than one original waste producer occupying apartments, duplexes, maisonettes or any combination of such dwellings for collection of their waste;”,

(VIII) the following after the definition of “producer responsibility scheme”:

“ “recyclable household kerbside waste” means the fraction of household kerbside waste comprising recyclable household waste including the materials set out in the seventh schedule;

(IX) the following after the definition of “relevant local authority “:

“ “residual household kerbside waste” means the fraction of household kerbside waste remaining after the source separation of the household kerbside waste fractions of recyclable

¹O.J. No. L300, 14.11.2009, p.1.

household waste including the materials set out in the seventh schedule, food waste and, as the case may be, bio-waste;”,

(iii) deleting the definition of “Regulation (EC) No. 1774/2002”,

(b) By the substitution of the following sub-article for article 5(3):

“(3) Insofar as possible, local authorities shall co-operate to ensure an efficient administration of the waste collection permit system to reduce the administrative burden for applicants.”,

(c) By the deletion of articles 5(4) and 5(5),

(d) By the substitution of the following sub-article for article 6(1):

“(1) An applicant shall, within the period of 10 working days before the making of an application, publish notice of the intention to make the application—

(a) in either a national newspaper, or in newspapers circulating in each of the local authority areas from which waste will be collected, or

(b) on the website of the nominated authority with the agreement of and in such format as may be specified by the nominated authority.”,

(e) By the substitution of the following paragraphs for articles 7(1)(h), 7(1)(i), 7(1)(j) and 7(1)(k):

“(h) details of any facility that is intended to be used by the applicant in connection with the activity to which the application relates,

(i) in the case of household kerbside waste collection, a copy of the customer charter in the form set out in the sixth schedule, or a form substantially to the like effect, information on how the applicant will meet the requirements of conditions to be attached to a permit to collect household kerbside waste under article 20, including the frequency of collection for residual household kerbside waste, food waste and, as the case may be, bio-waste and recyclable household kerbside waste, the method of charging for the collection of waste, confirmation that the fee per kilogramme to be charged to collect residual household kerbside waste, food waste and, as the case may be, bio-waste, and recyclable household kerbside waste is not less than the fees prescribed in the eighth schedule, details on the provision of segregated collection for dry recyclables and for food waste and, as the case may be, bio-waste, details of how the collector will, if and when requested to do so by an authorised person in

accordance with section 34C of the Act, provide details of the collection service as set out in section 34(7)(b)(ix) of the Act,

- (j) information in relation to any offence, prescribed under article 21, of which the applicant has been convicted within the period of 10 years prior to the making of the application, including information in relation to the court hearing the case, the nature of the offence and any penalty or requirement imposed by the court, or the terms of any requirement imposed on the applicant by order of a court under the Act of 1992,
- (k) information, in order to establish that the person is a fit and proper person in accordance with section 34D of the Act, in relation to—
 - (i) any conviction as set out in sections 34D(1)(a)(i) or 34D(1)(a)(ii) of the Act,
 - (ii) the requisite technical knowledge or qualifications to carry out the activity,
 - (iii) the ability of the person to be in a position to meet any financial commitments to which the waste collection permit relates,
 - (iv) any waste collection permit revocation, other than where the permit was surrendered, or
 - (v) the terms of any requirement imposed on the applicant by order of a court under the Act,”
- (f) In article 7(1)(f) by the—
 - (i) substitution of “List of Waste” for “ Catalogue Code(s) and description(s) pursuant to Commission Decision 2001/118 of 16 January 2001”,
 - (ii) insertion of “and information on how the applicant will meet the requirements of conditions to be attached to a permit,” after the words “from time to time,”,
- (g) In article 7(1)(m) by the substitution of “how the applicant will collect waste food” for “how the applicant will collect food waste”,
- (h) By the substitution of the following paragraphs for articles 7(3)(a), 7(3)(b) and 7(3)(c):
 - “(a) where a notice was not published in accordance with article 6(1)(b), a copy of the page of the newspaper, or newspapers,

in which the notice was published in accordance with article 6(1)(a),

(b) a statutory declaration, as set out in the second schedule, signed by—

(i) the applicant,

(ii) where the applicant is a partnership, each partner, or

(iii) where the applicant is a body corporate, each director,

(c) a copy of a current Tax Clearance Certificate issued to the applicant by the Revenue Commissioners, established under S.I. No. 2/1923, Revenue Commissioners Order, 1923,”

(i) By the insertion of the following article after article 7:

“Contents of an application for the transfer of a waste collection permit

7A (1) An application for the transfer of a waste collection permit made in accordance with section 34B of the Act shall include-

(a) such submissions, plans, documents or other information to the nominated authority within the application as are necessary to support the application for the proposed transfer of the waste collection permit, and

(b) payment of the appropriate fee for an application for the transfer of a waste collection permit in accordance with article 8.”,

(j) By the substitution of the following article for article 8:

“Fees payable

8. (1) The applicant shall pay a fee to the nominated authority in respect of an application for a waste collection permit the amount indicated in column (2) of the third schedule subject to a maximum fee of €5,000.

(2) In the case of an application for a review of a waste collection permit, the fee payable shall not exceed the costs reasonably incurred by a nominated authority or other relevant local authority in deciding on the application for the review of a waste collection permit and shall not exceed the fee indicated in sub-article (1). The nominated authority shall publish an indicative schedule of fees for the review of a permit on its website.

(3) In the case of an application for the transfer of a waste collection permit under section 34B, the fee payable shall not exceed the costs reasonably incurred by a nominated authority or other relevant local authority in deciding on the application for the transfer of the waste

collection permit, and shall not exceed the fee indicated in sub-article (1). The nominated authority shall publish an indicative schedule of fees for the transfer of a permit on its website.

(4) Notwithstanding the provisions of sub-articles (1), (2) and (3), the nominated authority shall have an absolute discretion to refund or waive all or part of the fee payable in respect of a particular application where the authority is satisfied that the payment in full of the fee would not be just and reasonable having regard to the limited scale or nature of the activity concerned, or where the charging of a full fee may act as a financial disincentive to individuals / companies who are operating on a small scale and are engaged in environmentally beneficial operations such as preparing waste for reuse, waste recovery or recycling.”,

(l) By the substitution of “15 working days” for “25 working days” in articles 11(3) and 27(1)(b)(ii),

(m) By the deletion of the following text after article 17(3)(c):

“A local authority may, if it considers it proper to do so in any particular case, regard a person as a fit and proper person for the purposes of this Part notwithstanding that that person or any other relevant person has been convicted of an offence under the Act, the Environmental Protection Agency Acts 1992 and 2003, the Local Government (Water Pollution) Acts 1977 and 1990 or the Air Pollution Act 1987.”,

(n) by the substitution of the following articles for articles 19 and 20:

“Conditions regarding the use of skips.

19. (1) A nominated authority shall attach to any waste collection permit that may be granted by it such conditions as it considers necessary relating to the use in a public place of skips and other such receptacles.

(2) For the purposes of sub-article (1), and notwithstanding the provisions of any bye-law made under section 72 of the Roads Act 1993, conditions may include a requirement in relation to the-

- (a) carrying of reflectors or lighting of such receptacles so that they are clearly visible during a period when vehicles are required to be lighted,
- (b) siting and deposit of such receptacles on public roads, where the temporary set down of skips shall be for no more than three days,
- (c) dimensions and other characteristics of such receptacles, including the use of skip covers as may be specified by the nominated authority,
- (d) care and disposal of the contents of such receptacles,

- (e) earliest practicable removal of such receptacles when full, and
- (f) inclusion of specified waste collection permit information, such as the collection permit number and the name of issuing authority, in all promotional material.

(3) Without prejudice to the power of an authorised person to remove or reposition a skip under section 72(7) of the Roads Act 1993, it shall be an offence for a person other than—

- (a) the permit holder which deposited a skip or other such receptacle, such as a skip bag, in a public place,
- (b) an authorised person under section 72 of the Roads Act 1993, or
- (c) an authorised person under the Act,

to empty or remove that skip or other such receptacle, such as a skip bag, without the prior agreement of the permit holder or the relevant local authority.

Other conditions to be attached to waste collection permits.

20. (1) The nominated authority shall attach to each waste collection permit that may be granted by it such conditions as are in the reasonable opinion of the nominated authority, necessary to—

- (a) give effect to the objectives of the relevant waste management plans or the National Hazardous Waste Management Plan as the case may be, and which are stated to be necessary by a local authority or the Agency in accordance with articles 11(4), 13(5) or 27(1),
- (b) to give effect to the segregation, separation, storage and collection of waste food in accordance with the Waste Management (Food Waste) Regulations 2009 as amended, and food waste, and as the case may be, bio-waste, in accordance with the European Union (Household Food Waste and Bio-Waste) Regulations 2015,
- (c) (i) ensure that the best overall environmental outcome is achieved through waste prevention and management activities in accordance with the waste hierarchy and section 21A of the Act, and
 - (ii) enable waste management decisions to be substantiated and justified so as to demonstrate to the nominated authority and relevant local authority that waste is being managed in accordance with the waste hierarchy and section 21A of the Act.

(2) Notwithstanding the provisions of sub-article (1), the nominated authority shall attach to each waste collection permit granted by it conditions requiring the permit holder to—

- (a) ensure that waste collected under the waste collection permit is transferred to a facility that is authorised for the purposes of recovery or disposal under or in accordance with the Act or the Act of 1992, and is in compliance with any regulations made to give effect to any of the Community Acts specified in the fourth schedule,
- (b) ensure where bio-waste collected under the waste collection permit is transferred for the purposes of treatment and where animal by-products form all or part of that waste, that the facility has been approved in writing by the nominated authority for use by the permit holder and that there is in force an appropriate authorisation issued in accordance with Regulation 1069/2009, including any replacement or amendment to that Regulation, and that the transfer is in compliance with any national legislation that facilitates the objectives of that Regulation,
- (c) notify the authority in relation to-
 - (i) any conviction for an offence or court order prescribed under article 21 within 5 working days of such conviction or the imposition of such a requirement,
 - (ii) any other information which may give rise to a permit holder not being considered a fit and proper person under section 34D of the Act within 5 working days of such information being available,
- (d) compile and maintain specified records, for a period of not less than 7 years, relating to the—
 - (i) types and quantities of waste dealt with in the course of business (including List of Waste code(s) and description(s)),
 - (ii) origin and destination of such waste,
 - (iii) treatment, recovery or disposal activities to which the waste is subject (including the compilation of documentation and other records relating to each for all consignments), and, where appropriate,
 - (iv) person by whom such waste is collected including name, address and waste collection permit number,

- (e) furnish to the nominated authority, in accordance with any specified requirements relating to a date or interval of submission and the required form of—
 - (i) information, which may be made available by the nominated authority to authorised officers, on the nature and quantities of waste collected by the permit holder, waste delivered to individual recovery or disposal facilities or otherwise transferred to other persons for the purpose of recovery or disposal,
 - (ii) a copy of a current Tax Clearance Certificate issued to the permit holder by the Revenue Commissioners, established under S.I. No. 2/1923, Revenue Commissioners Order, 1923,
 - (iii) such other relevant information, which may be made available by the nominated authority to authorised officers, as may be reasonably required by the nominated authority to enable waste management decisions to be substantiated and justified so as to demonstrate to the nominated authority and relevant local authority that waste is being managed in accordance with the waste hierarchy and section 21A of the Act, that the applicant is a fit and proper person and that the conditions attached to the permit are being adhered to,
- (f) ensure that—
 - (i) all, or a specified proportion, of waste collected by the permit holder, including any List of Waste type(s), is source-segregated, treated, recovered, or otherwise disposed of, in such manner as may be specified,
 - (ii) waste is—
 - (I) where practicable and having regard to the waste hierarchy and section 21A of the Act, delivered to facilities where the preparation for reuse, recycling or recovery of the waste takes place,
 - (II) presented, collected, handled and transported in a form which enables any facility to which the waste is delivered to comply with any specific conditions contained in, as the case may be, the waste licence, the waste facility permit or certificate of registration issued under the Act or a licence issued under Part IV of the Act of 1992, in relation to any performance targets or other limits or restrictions which have been established for the purpose of ensuring or encouraging the recycling or recovery of waste,

- (iii) waste which has been segregated by the waste producer is not sent for disposal or is not collected, transported, mixed or otherwise handled in a manner that so as to make it unsuitable for recycling or recovery,
- (g) In the case of household kerbside waste collection, ensure that the following actions are taken—
- (i) with the exception of glass collected separately or household kerbside waste collected on off-shore islands, in accordance with section 34(7)(b) of the Act, excluding subparagraph (v) of that section—
 - (I) weigh each and every collection of household kerbside waste collected separately in approved receptacles designed for reuse, and for the avoidance of doubt, approved receptacles designed for reuse do not include bags,
 - (II) report in writing or make available through electronic means, the weight described at (I) to the person who presented the waste for collection at a frequency of not less than once every month,
 - (III) use an automatic weighing instrument that complies with the Metrology Act, 1996, (No. 27 of 1996) and any ensuing regulations to weigh household kerbside waste in accordance with (I) and where the automatic weighing instrument is an automatic catchweigher it must be of accuracy Class Y(b) or better,
 - (IV) use an automatic weighing instrument referred to in (III) capable of determining the weight of a household kerbside waste collected in accordance with (I) to 1 kilogramme (kg) or better when weighing approved receptacles designed for reuse with a volume of 360 litres or less and to 5 kilogrammes [kg] or better when weighing approved receptacles designed for reuse with a volume of greater than 360 litres,
 - (V) only use vehicles which have been fitted with a weighing system which is in accordance with (III) and (IV) to collect household kerbside waste collected separately in approved receptacles designed for reuse, and for the avoidance of doubt, approved receptacles designed for reuse do not include bags,
 - (VI) prepare a customer charter for household kerbside waste collection in the form set out in the sixth schedule, or a form substantially to the like effect, to the satisfaction of the nominated authority, to facilitate

publication on the website of the nominated authority, and any amendments or updates to the customer charter to be submitted to the nominated authority without delay to facilitate publication of the revised charter on the website, once the nominated authority has been satisfied,

- (VII) provide for the collection of at least the recyclable waste materials listed in the seventh schedule as part of the segregated collection arrangements provided in accordance with (VIII) for household kerbside waste collection.
 - (VIII) provide that the collection of recyclable household kerbside waste shall occur at least once every fortnight,
 - (IX) provide that the frequency of collection of food waste and, as the case may be, bio-waste shall occur in accordance with the European Union (Household Food Waste and Bio-waste) Regulations 2015, including any amendment to these Regulations as may be made from time to time,
 - (X) provide that only the permit holder which owns a reuseable receptacle provided to the householder for use is authorised to empty or remove that receptacle, unless the prior agreement of the said permit holder or the relevant local authority is obtained.
- (ii) on and after 1 July, 2016, with the exception of glass collected separately, household kerbside waste collected on off-shore islands, or household kerbside waste collected in receptacles which are not designed for reuse in specific areas designated by a local authority under article 20(2)(g)(iv), in accordance with section 34(7)(b) of the Act, excluding subparagraph (v) of that section—
- (I) charge a fee for each kilogramme of waste collected or transported in accordance with section 34(7)(f)(i) and (ii) of the Act,
 - (II) ensure that any fee resulting from the fee charged in accordance with (I) will not be subject to banding of more than 1 kilogramme for household kerbside waste collected in approved receptacles designed for reuse with a volume of 360 litres or less, not be subject to banding of more than 5 kilogrammes [kg] for household kerbside waste collected in approved receptacles designed for reuse with a volume of greater than 360

litres and will not be subject to an excess or penalty fee for excessive weight,

- (III) ensure that the weight-based charge element of the waste collection fees charged to households to collect residual household kerbside waste, food waste and, as the case may be, bio-waste, and recyclable household kerbside waste are not less than those per kilogramme fees specified by the Minister in the eighth schedule in accordance with section 34(7)(g) of the Act,
- (IV) ensure that the automatic weighing instrument used to determine any weight-based collection charge is in accordance with the technical requirements set out in articles 20(2)(g)(i)(III) and (IV),
- (V) ensure that any service charge to a householder will not be reduced on the basis that a householder chooses not to have a food waste and, as the case may be, bio-waste receptacle collected by an authorised waste collector in accordance with the European Union (Household Food Waste and Bio-waste) Regulations 2015,
- (VI) report in writing or make available through electronic means, the weight of and fee charged to collect and transport each and every separate collection of waste and the registration number of each vehicle used to collect and transport each and every separate collection of waste, to the person who presented the waste for collection, at a frequency of not less than once every month,
- (VIII) ensure that the household kerbside waste collector, when requested to do so by a householder, will provide the vehicle registration details of the vehicle used to make a specific collection for which the householder has been charged,
- (IX) ensure that where a collector intends to impose any penalty on a household for non-compliance with the terms of the contract for collecting household kerbside waste, including non-compliance by the householder with regard to properly segregating waste or overloading receptacles, that any such penalty be clearly communicated to the customer, including through the customer charter,
- (X) ensure that the collector will, when requested to do so, provide details of the collection service to the nominated authority and local authority as set out in section 34(7)(b)(ix) of the Act,

- (iii) ensure that the fees charged to collect household kerbside waste in the reasonable opinion and to the satisfaction of the nominated authority respect the polluter pays principle and encourage the segregation of such waste and discourage such waste from being mixed with residual household kerbside waste by the householder in accordance with the waste hierarchy and section 21A of the Act,
- (iv) ensure that from 1 July, 2016 household kerbside waste is only collected in approved receptacles which are designed for reuse, with the exception of the collection of such waste in specific areas designated by a local authority as being only suitable for the collection of such waste in non-reusable receptacles such as bags,
- (v) ensure, where a household kerbside waste collection vehicle is configured to collect different fractions of household kerbside waste simultaneously, that the existence of this facility is clearly displayed on the vehicle,
- (vi) ensure that household kerbside waste only be collected on or after 1 July, 2016—
 - (I) between the hours of 6am and 10pm in areas where a 60 kilometre per hour or lower speed limit applies, or an extended timeframe if agreed between the nominated authority and the local authority in which the collection activities will take place, or
 - (II) at any time, in areas where an 80 kilometre per hour or higher speed limit applies,

Where (I) and (II) are subject to the authorised collector making reasonable efforts to the satisfaction of the nominated authority and the relevant local authority to reduce noise and nuisance, where the consideration of such reasonable efforts may be informed by complaints received by the local authority from householders regarding noise or nuisance,

- (vii) notwithstanding (vi), where glass is being collected as a separate fraction of household kerbside waste, ensure that such collection shall be between the hours of 7am and 10pm Monday to Friday inclusive but excluding public holidays, between the hours of 8am and 10pm on Saturdays and between the hours of 10am and 6pm on Sundays and public holidays, unless the permit holder can demonstrate to the satisfaction of the nominated authority and the relevant local authority that noise reduction measures for such collections are sufficient to allow such collections

occur within the hours specified in (vi), where the consideration of such reasonable efforts may be informed by complaints received by the local authority from householders regarding noise or nuisance,

- (h) ensure, in relation to the collection of household kerbside waste, the deployment of a programme of communication, including the provision of educational literature, as agreed with the nominated authority to persons who present household waste for collection. That programme may include related protocols and procedures in respect of any contamination detected by the collector, charges applicable for the collection of different fractions of waste, waste prevention, waste segregation, the presentation of waste and other related matters,
- (i) provide, where the nominated authority considers it necessary, appropriate receptacles of a type, form, colour, size, capacity or other specification as may be required by that authority for the collection of waste or fractions of waste as specified by the nominated authority,
- (j) obtain the written consent of the nominated authority in advance of specified details, including the type and identifying mark of any collection vehicle owned, hired or otherwise used for the collection of waste under the terms of the permit, and provide any required statutory documentation, including a copy of the relevant vehicle registration document,
- (k) in accordance with section 34(7)(d) of the Act—
 - (i) only collect List of Waste type(s) specified on the waste collection permit;
 - (ii) only deposit waste at a facility specified on the waste collection permit;
 - (iii) only use a vehicle specified on the waste collection permit for the collection of waste;
 - (iv) carry a copy, in a form specified in the permit, of the waste collection permit on each vehicle;
 - (v) display, if so required to do so by the nominated authority on the waste collection permit, the permit holder name or number, or both if so specified by the nominated authority, on promotional material, vehicles, skips, skip bags, receptacles or bags of the permit holder used for waste collection to be visibly, legibly and indelibly identified in such manner and format as may be specified by the nominated authority on the waste collection permit;

- (vi) submit specified information on a periodic basis to the local authority in such form and at such frequency as may be specified on the waste collection permit;
- (vii) arrange at least once every year, where an automatic weighing instrument is used to determine weight based-collection charges, for the verification of the automatic weighing instrument in accordance with the Metrology Act 1996 (No 27 of 1996) and ensuing regulations, and submit the confirmation of verification in such a form as may be specified on the waste collection permit.
- (l) ensure the implementation and maintenance of an environmental management system as agreed with the nominated authority, including a customer complaint management system, and the submission of the documented procedures to the nominated authority for its approval at intervals as may be specified, and
- (m) ensure, where in the reasonable opinion of the nominated authority it is necessary, that staff of the permit holder undertake relevant training or attain relevant qualifications.

(3) Notwithstanding section 34(7) of the Act, article 19 and sub-articles (1) and (2), the nominated authority may attach to each collection permit that may be granted by it any other conditions-

- (a) as are, in the opinion of that authority, necessary and reasonable to ensure the proper enforcement of the permit,
- (b) relating to existing or proposed measures, including emergency procedures, to prevent unauthorised or unexpected emissions and to minimise the impact on the environment of any such emissions,
- (c) to encourage the sound environmental management of waste including waste prevention, reuse, preparation for reuse, recycling and recovery,
- (d) conditions requiring the making of payments by the permit holder to the local authority or the nominated authority to defray such costs as may reasonably be incurred by the authority, other than required under article 8 in accordance with the third schedule and which costs shall not exceed the actual expenditure reasonably incurred by the authority in inspecting, monitoring, auditing, enforcing or otherwise performing any functions in relation to the activity,
- (e) requiring each vehicle to be fitted with electronic tracking technology to facilitate a local authority in monitoring compliance with the waste collection permit conditions.

- (o) By the substitution of “section 34A” for “section 34(6)” in articles 23(1A)(a), 23(2), 24(3), 28(9) and 29(2);
- (p) By the substitution of “before the expiry date of an existing waste collection permit” for “no later than 60 working days before the expiry of an existing waste collection permit” in article 24(1);
- (q) By the substitution of the following sub-paragraph for article 25(1)(b)(i):
 - “(i) require the applicant to insert a public notice in either—
 - (I) a national newspaper, or in newspapers circulating in the area in which the waste collection activities will take place, that an application for a review of the existing waste collection permit has been sent to the nominated authority, or
 - (II) on the website of the nominated authority with the agreement of and in such format as may be specified by the nominated authority.”,
- (r) By the deletion of the following text after article 28(6)(c):

“A local authority may, if it considers it proper to do so in any particular case, regard a person as a fit and proper person for the purposes of this Part notwithstanding that that person or any other relevant person has been convicted of an offence under the Act, the Environmental Protection Agency Acts 1992 and 2003, the Local Government (Water Pollution) Acts 1977 and 1990 or the Air Pollution Act 1987.”,
- (s) By the deletion of the text “at least 60 working days” in article 28(7),
- (t) By inserting the following article after article 37:

“Form of a fixed payment notice

38. The form set out in the ninth schedule is prescribed, for the purposes of section 10B(1) of the Act, as the form of a fixed payment notice.

(u) By the substitution of the following for the second and third schedules:

“SECOND SCHEDULE

Article 7.

Statutory Declaration

I declare that the information given in the application by

for the purpose of obtaining a waste collection permit is correct, and that no information which is required to be included in the said application has been omitted.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

I authorise [name of nominated authority to which application is being made] to make any enquiries from official sources as it may consider necessary for the purpose of determining this application and, pursuant to section 8 of the Data Protection Act 1988, I consent to the disclosure of details of convictions for relevant offences specified under article 21 of the Waste Management (Collection Permit) Regulations 2007.

Signature(s):

Name (block capitals)

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Declared before me at this day of 20..... #

To be completed by a Solicitor/Commissioner of Oaths/Notary Public/Peace Commissioner/Garda Síochána.

Signature of Witness

Occupation

Date

WARNING Any person who gives false or misleading information for the purpose of obtaining a waste collection permit renders themselves liable to severe penalties.

THIRD SCHEDULE

*Article 8.*FEES PAYABLE IN RELATION TO A SINGLE APPLICATION FOR A
WASTE COLLECTION PERMIT

	Fee payable
Single Local Authority Area	€1,000
Connacht — Ulster Region ²	€2,000
Eastern & Midlands Region ³	€2,000
Southern Region ⁴	€2,000
All Regions	€5,000

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²The Connacht Ulster region consists of the administrative areas of Cavan, Donegal, Galway, Leitrim, Mayo, Monaghan, Roscommon, and Sligo County Councils and Galway City Council.

³The Eastern & Midlands Region consists of the administrative areas of Dun Laoghaire-Rathdown, Fingal, Longford, Westmeath, Kildare, Offaly, Louth, Laois, Meath, Wicklow and South Dublin County Councils and Dublin City Council.

⁴The Southern Region consists of the administrative areas of Carlow, Cork, Clare, Kerry, Kilkenny, Tipperary and Wexford County Councils, Limerick City and County Council, Waterford City and County Council and Cork City Council.”

- (w) After the seventh schedule, by the insertion of the following two schedules:

“EIGHTH SCHEDULE

Article 20.

Minimum fees to be charged per kilogramme to collect residual household kerbside waste, food waste and, as the case may be, bio-waste, and recyclable household kerbside waste.

The below costs have been established through an independent study commissioned by the Minister and have been prescribed based on the approximate cost of managing the waste from the point after it is first deposited at an authorised facility to its final treatment⁵.

The below rates are Value Added Tax (V.A.T.) inclusive and have been prescribed by the Minister in accordance with section 34(7)(g) of the Act. The below rates do not apply to the separate collection of glass from households, to household kerbside waste collected on off-shore islands or household kerbside waste collected in receptacles which are not designed for reuse in specific areas designated by a local authority under article 20(2)(g)(iv).

Residual household kerbside waste:	11 cent per kilogramme
Food waste and, as the case may be, bio-waste:	6 cent per kilogramme
Recyclable household kerbside waste:	2 cent per kilogramme

⁵The definition of “collection” under the Act and the Waste Framework Directive 2008/98/EC, includes the preliminary storage of waste, which is understood as a storage activity pending its collection in facilities where waste is unloaded in order to permit its preparation for further transport for recovery or disposal elsewhere. It is from this first unloading point, including any sorting, bulking, onward transport costs, to final treatment that the minimum cost has been calculated.

NINTH SCHEDULE

Article 38

FORM OF A FIXED PAYMENT NOTICE FOR THE PURPOSE OF SECTION 10B(1) OF THE WASTE MANAGEMENT ACT 1996

NAME OF LOCAL AUTHORITY:

Name of Company:

Address:

.....

Vehicle Registration (where relevant):

It is alleged that you have contravened conditions attached under section 34(7)(d) of the Waste Management Act 1996 to waste collection permit No (in general terms specify the nature of the contravention) at on

During this period of 21 days beginning on the date of this notice you may pay the sum of €500, accompanied by this notice, at the offices of the local authority named in this notice located at

You are not obliged to make the payment specified in this notice.

A prosecution in respect of the offence of contravening conditions attached under section 34(7)(d) of the Waste Management Act 1996 as specified above will not be instituted during the period of 21 days beginning on the date of this notice and, if the payment of €500 specified in this notice is made during that period, no prosecution in respect of that offence will be instituted.

Signed
(Authorised Person)

Date

IMPORTANT: Payment will be accepted at the offices of the local authority specified above and must be accompanied by this notice. Payment may be made by post. A receipt will be given. You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.”



Given under the Official Seal of the Minister for the Environment,
Community and Local Government,
16 January 2016.

ALAN KELLY,
Minister for the Environment, Community and
Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations amend the Waste Management (Collection Permit) Regulations 2007 to give effect to national waste policy regarding the regulation of the collection of household waste. Primarily, the regulations provide for the introduction of pay by weight charging for the collection of household waste from 1 July, 2016.

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