

## WASTE MANAGEMENT (REGISTER) REGULATIONS 1997

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S.I. No. 183 of 1997.

The Minister for the Environment, in exercise of the powers conferred on him by sections 7 of the Waste Management Act, 1996 (No. 10 of 1996) hereby makes the following Regulations:

### **PART I**

#### **PRELIMINARY AND GENERAL**

##### REG 1

###### Citation

1. These Regulations may be cited as the Waste Management (Register) Regulations, 1997.

##### REG 2

###### Purpose of Regulations

2. The purposes for which these Regulations are made include the purpose of giving effect to provisions of—
  - ( a ) Council Directive 75/442/EEC of 15 July, 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March, 1991(1), (1)O.J. No. L194/39, 25 July, 1975 and O.J. No. L78/32, 26 March, 1991.
  - ( b ) Council Directive 80/68/EEC of 17 December, 1979 on the protection of groundwater against pollution caused by certain dangerous substances(2), and (2)O.J. No. L20/43, 26 January, 1980.
  - ( c ) Council Directive 91/689/EEC of 12 December, 1991 on

hazardous waste(3)

(3)O.J. No. L377/20, 31 December, 1991.

## REG 3

### Interpretation

3. (1) In these Regulations, any reference to a Part or article which is not otherwise identified is a reference to a Part or article of these Regulations.

(2) In these Regulations, any reference to sub-article or paragraph which is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.

(3) In these Regulations—

"the Act" means the Waste Management Act, 1996;

"licensing regulations" means the Waste Management (Licensing) Regulations, 1997.

## PART II

### Agency register

## REG 4

### Definition

4. In this Part, "the register" means the register established and maintained by Agency in accordance with section 19 of the Act.

## REG 5

### Reference number

5. A reference number shall be given in the register to—

( a ) each application for a waste licence and for a review of a waste licence,

( b ) each waste licence, and

( c ) each review of a waste licence.

## REG 6

### Entries regarding licence applications and reviews

6. It is hereby prescribed that the register shall contain entries specifying the following matters in relation to each application for, or for a review of, a waste licence and each review of a waste licence—

( a ) the reference number in accordance with article 5,

( b ) the name and address of the applicant, or the licensee, as the case may be,

( c ) The class or classes of the activity concerned, in accordance with the Third and Fourth Schedules to the Act, and in the case of two or more activities the principal activity,

( d ) the location or postal address (including where appropriate, the name of the townland or townlands) and the National Grid references of the facility or premises to which the application or the review relates,

( e ) the date of receipt of the application,

( f ) the date of a notice given under section 42 (1) (b) of

the Act,  
( g ) the date of a notice given under section 42 (2) of the Act,  
( h ) the manner in which the Agency proposes to determine the application or review,  
( i ) the number of valid objections received, if any,  
( j ) the date, if any, specified by the Agency under article 35 of the licensing regulations,  
( k ) the date of a declaration under Article 23 (3) or 28 (2) of the licensing regulations,  
( l ) the date in which notification is given under article 36 of the licensing regulations and the nature of the Agency's decision on the application or review,  
( m ) the frequency or periods within which monitoring reports or other information are required to be submitted to the Agency by or under a condition attached to a waste licence,  
( n ) whether or not the applicant or licensee is required under section 53 (1) of the Act to make a financial provision,  
( o ) the date of any notice given by the agency under article 14 (2) (b), 16 (1) or (3), 17 (1), 23 (2), 26, 27, 28, 29 (3), 34 (2) or 35 (1) of the licensing regulations, and  
( p ) the date of receipt of any evidence, submission, plans, documents, or other information or particulars submitted to the Agency in compliance with any notice given under article 14 (2) (b), 16 (1) or (3), 17 (1), 26, 27 or 28 of the licensing regulations.

## REG 7

### Entries regarding waste licences

7. It is hereby prescribed that the register shall contain entries specifying the following matters in relation to each waste licence—

- ( a ) the date of receipt of a notice under section 40 (13) of the Act,
- ( b ) (i) the date of receipt of an application under section 47 of the Act for the transfer of a waste licence, and the name and address of the proposed transferee.  
(ii) the decision of the Agency in respect of an application for the transfer of a waste licence,  
(iii) the date on which the transfer of a waste licence is effected, and  
(iv) where the transfer of a waste licence is effected, whether or not the transferee is required under section 53 (1) of the Act to make a financial provision,
- ( c ) (i) the date of receipt of an application under section 48 of the Act for the surrender of a waste licence,  
(ii) the date of a notice given under section 48 (4) of the Act and the date of receipt of any evidence, information or particulars submitted to the Agency in compliance with such notice, and  
(iii) the date of a notice given under section 48 (8) of the Act and the nature of the decision conveyed,
- ( d ) the specification of a period under section 49(2)(a) of the Act, and
- ( e ) the date of an application received under section 49 (2) (b) of the Act and the decision of the Agency in respect of such

application.

#### REG 8

Inventory of certain waste licences

8. It is hereby prescribed that the register shall contain an inventory for the purposes of article 15 of Council Directive 80/68/EEC(1) of relevant waste licences granted.

(1)O.J. No. L20/43, 26 January, 1980.

#### REG 9

Miscellaneous entries

9. It is hereby prescribed that the register shall contain entries in relation to the following matters—

- ( a ) where the Agency brings proceedings against a person in respect of an offence under the Act and the person is convicted of the offence, the name and address of the person concerned, the nature of the offence and the penalties (if any) imposed,
- ( b ) where the Agency imposes a requirement under section 15 (3) of the Act, the name and address of the person concerned, the date on which the requirement is imposed and the nature of the requirement concerned,
- ( c ) the date of a notice served under section 18 (1) of the Act and the nature of the requirements specified therein,
- ( d ) the date on which recommendations under section 26 (6) of the Act are made, and the nature of such recommendations,
- ( e ) the date on which guidance or directions is or are given under section 34 (2) of the Act and the nature of such guidance or directions, and
- ( f ) the date of an application by the Agency to a court under Section 57 or 58 of the act and the nature of any order made by the court arising from the application.

### **PART III**

#### **Local authority register**

#### REG 10

Definition

10. In this Part, "the register" means the register established and maintained by a local authority in accordance with section 19 of the Act.

#### REG 11

Reference number

11. A reference number shall be given to the register to—

- ( a ) each application for a waste collection permit,
- ( b ) each waste collection permit, and
- ( c ) each review of a waste collection permit.

## REG 12

### Entries regarding waste collection permits

12. It is hereby prescribed that the register maintained by a local authority shall contain entries specifying the following matters in relation to each application made under section 34 of the Act to the authority for a waste collection permit and each review of a permit under section 34 (6) of the Act—

- ( a ) the reference number in accordance with article II,
- ( b ) the name and address of the applicant or permit holder, as the case may be,
- ( c ) the waste or wastes concerned,
- ( d ) the location or postal address of any facility or premises used or to be used in connection with the waste collection activity concerned,
- ( e ) the date of receipt of the application,
- ( f ) the date of a notification given under section 34 (8) (b) of the Act and the nature of the decision concerned, and
- ( g ) the date of making of a District Court order under section 34 (9) of the Act, and the nature of the directions concerned.

## REG 13

### Miscellaneous entries

13. It is hereby prescribed that the register maintained by a local authority shall contain entries specifying the following matters—

- ( a ) where the local authority brings proceedings against a person in respect of an offence under the act and the person is convicted of the offence, the name and address of the person concerned, the nature of the offence and the penalties (if any) imposed,
- ( b ) where the local authority imposes a requirement under section 15 (3) of the Act, the name and address of the person concerned, the date on which the requirement is imposed, and the nature of the requirement concerned,
- ( c ) the date of a notice served under section 18 (1) of the Act and the nature of the requirements specified therein,
- ( d ) the date of a notice served under section 55 of the Act, the name and address of the person on whom it was served, and the nature of the requirements specified therein, and
- ( e ) the date of an application by the local authority to a court under sections 57 or 58 of the Act and the nature of any order made by the court arising from the application.

GIVEN under the Official Seal of the Minister for the Environment,  
this 30th day of April, 1997.

BRENDAN HOWLIN,  
Minister for the Environment.

## EXPLANATORY NOTE.

These Regulations prescribe the entries to be made in the registers maintained by the Agency and each local authority under the section 19 of the Waste Management Act, 1996.