

Guidance Note – Applying for Registration as a Carrier, Broker of, or Dealer in controlled waste – Upper/Lower Tier

Please read this information before you apply.

These details will help you register as an Upper or Lower Tier Carrier, Broker or Dealer in Controlled Waste in Northern Ireland.

How you can register

The easiest way to register is online from the NIEA website at www.ni-environment.gov.uk. Alternatively, you can apply in writing by printing off a copy of the application form from our website, or request one by contacting NIEA on 028 90569360.

You must answer all the questions that apply to you, or NIEA will not be able to process your application.

Carriers, Brokers and Dealers

Businesses carrying controlled waste as part of their business or for profit, are required to register as a carrier. Most businesses that only carry waste they have produced themselves, do not need to register (unless it is building and demolition waste). Most businesses arranging to dispose or recover waste for others, are required to register as a broker. Most businesses using an agent to buy and then sell waste, need to register as a dealer.

Types of Registration

Businesses that only transport, broker or deal in certain types of waste and some organisations, are eligible to register as 'Lower Tier'. All other people must register as 'Upper Tier'.

Who can register as lower tier?

You can only register as lower tier if you are one of the following:

- A waste collection authority, a waste disposal authority or a waste regulation authority;
- A charity;
- A voluntary organisation;
- A business which only carries, brokers or deals in animal by-products;
- A business which only carries, brokers or deals in waste from premises used for agriculture (see section below); or
- A business which only carries, brokers or deals in waste from a mine or quarry.

If you register as lower tier and then carry, broker or deal in controlled waste outside of the criteria listed above, you will be committing an offence and NIEA may take enforcement action.

Correspondence details

NIEA will send correspondence to the person supplied on your form. It is therefore important to keep these details up to date.

When should I change my details?

You must notify NIEA within 28 days regarding any change to your name, contact details or principal place of business address. This is in case the Agency needs to contact you and to update the public register. NIEA may remove you from the register if your details are no longer valid. Should the registered legal person change, you are required to make a new application and pay the relevant fee. For example, if you are registered as an individual but then form a company, you will need to apply again as a company.

If a new partner wants to join a registered partnership, s/he may either apply to be added to the existing registration, or all partners, including the proposed new one, may make a new application.

Should your circumstances change and you no longer qualify as lower tier, you should re-register as upper tier.

What happens when you register?

Upper tier applicants will receive a certificate once they are registered with NIEA.

Lower tier applicants will receive confirmation of their registration in writing (or by email if you provide the details). This confirmation can be used as evidence of registration.

NIEA is required to make certain environmental information available to the public using a public register, which anybody can ask to see. This includes your registration details and a copy of your application. NIEA will also place all registrants (upper and lower tier) on a public register. This will include your name and principal (main) place of business address. Anyone may view this on our website.

Application fees

You must pay a fee when you apply to register or renew a registration as an upper tier carrier, broker, carrier/broker or carrier/dealer. You can find the fees on the NIEA website or contact us if you are unsure on 028 90569360. NIEA will not refund your fee if we refuse your application or, if having been registered you decide to cancel it early, or we revoke it.

There is no fee to register as a lower tier waste carrier, broker or dealer.

How long does registration last?

An upper tier registration lasts for three years, unless you decide to cancel it early or NIEA revokes it.

A lower tier registration lasts indefinitely, unless you cancel it early or NIEA revokes it.

Renewal applications

NIEA will contact you six months, and again two months before your registration is due to run out. However, you can only renew activities for which you are already registered. For example, if you are registered as a carrier you cannot renew your registration as a carrier/broker or carrier/dealer. If you want to add an activity, you will need to reapply.

What happens when we receive your application?

The legislation allows NIEA up to two months to determine your application. However, the Agency is usually quicker than this. You can assist the process by making sure that you complete all questions fully.

Should NIEA require more information, we will contact you by email, phone or in writing. If we require more than two months to determine the application, we will contact you first to get your agreement.

Once the Agency makes a decision on your application, we will let you know the outcome.

Your application may be refused if you or another relevant person has been convicted of a relevant offence, or if you provide incomplete or false information. Your application fee cannot be refunded.

If your application is refused, or the Agency takes longer than two months to make a decision on it without getting your agreement, you can appeal to the Planning Appeals Commission.

If you are applying to register for the first time, or if your registration has run out and you are applying again, you are not authorised to carry, broker or deal in controlled waste, until we let you know that you have been registered.

Convictions for relevant offences

You must inform the Agency in your (lower or upper tier) application, if you or any other relevant person has been convicted of any offence under the legislation listed below.

A relevant person may be anyone connected to the person applying for registration.

- For companies and other corporate organisations this includes;
 - The company itself;
 - Employees convicted while employed by the company;
 - The officers of the company (director, manager, secretary or similar officer); and
 - Other companies, if an officer of the company now applying was an officer of the other company at the time it was convicted.
- For partnerships this includes:
 - The individual partners;
 - Employees convicted while employed by the partnership; and

- Business partners, if the offence was committed in the course of their business.
- For individuals this includes:
 - The individual;
 - Employees convicted while employed by the individual; and
 - Companies for which the individual is an officer (director, manager, secretary or similar officer).

Relevant offences

Offences that are relevant to your registration are shown below. You are not required to tell us about any 'spent convictions' covered by the Rehabilitation of Offenders (Northern Ireland) Order 1978, which applies to individuals. If the NIEA discovers a relevant conviction which you have not told us about in your application, the Agency will contact you. This will delay our processing of your application.

Relevant offences are offences under any of the following provisions:

Section 114 of the Public Health (Ireland) Act 1878;
 Section 17(3) of the Transport Act (Northern Ireland) 1967;
 Section 98(3) and (4) of the Local Government Act (Northern Ireland) 1972
 Section 5, 9(10), and 22 of the Water Act (Northern Ireland) 1972;
 Articles 7 and 9(4) of The Water (Northern Ireland) Order 1999;
 Articles 5, 7(4), 16(4), 18(2), 29, 38(4), 56 and 72(3) of the Pollution Control and Local Government (Northern Ireland) Order 1978;
 Article 23(1) of the Clean Air (Northern Ireland) Order 1981;
 Section 9(1) of the Food and Environment Protection Act 1985;
 The Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1988;
 The Transfrontier Shipment of Waste Regulations 2007;
 Article 23(1) of the Industrial Pollution Control (Northern Ireland) Order 1997;
 Articles 4, 5(8), 18, 22(6), 27(5), 28(5) and (6), 31(2), 38, 42, 43(9), 44(2) and 74 of the Waste and Contaminated Land (Northern Ireland) Order 1997;
 Regulation 43 of the Hazardous Waste Regulations (Northern Ireland) 2005;
 The Pollution Prevention and Control Regulations (Northern Ireland) 2003;
 Regulation 2(m) of the Waste Management Licensing Regulations (Northern Ireland) 2003 (As amended); and
 Regulations 22 & 24 & Schedule 3, Part 1, Regulation 12(8) of the Waste Regulations (Northern Ireland) 2011.

What NIEA does with information about convictions?

If you declare (or NIEA becomes aware of) any convictions for relevant offences, the Agency can refuse to register you, if it deems that it is not desirable for you to carry out that activity. Refusal is not automatic. As part of your application, you will need to submit a post-conviction plan. This is your opportunity to explain what steps you have taken to make sure you will not re-offend. NIEA will consider the severity of the offences, along with your post-conviction plan, before deciding whether to register you or not. If the Agency refuses your application, we will let you know formally and supply you with details of how to appeal should you wish to.

How to complete a post –conviction plan

If you or any other relevant person has been convicted of any offence under the legislation listed above, you should submit a post-conviction plan to support your application. You can find the form and guidance on how to complete it on the NIEA website at www.ni-environment.gov.uk , or request details by contacting NIEA on 028 90569360.

What happens if I don't submit a post-conviction plan?

If you don't submit a post-conviction plan, it increases the risk of the Agency refusing to register you. It also means that we have to contact you to request a Plan, which will delay the processing of your application.

What if I am convicted after I have registered?

If you are already registered when you or another relevant person is convicted of a relevant offence, NIEA will follow the same process to decide whether or not to revoke your registration. If the Agency revokes your registration, we will let you know formally and supply you with details of how to appeal if you wish to.

What is 'duty of care'

Duty of care is about making sure waste does not harm the environment or human health. You and other people handling controlled waste must make sure it is handled safely and only passed on to others who are permitted to receive it. There are some simple rules to follow, including:

- Check the person you transfer the waste to is properly authorised to accept it; for example, that they hold the necessary authorisation or registration;
- Make sure each transfer of waste is covered by a waste transfer note, or a consignment note if the waste is hazardous and that this adequately describes the waste; and
- Make sure the waste is safely contained and that it is not able to escape control.

These rules apply to catering waste but, not to other types of animal by-products.

You may be asked to prove you are an authorised person when collecting or transferring waste to someone else. You can use your registration certificate if you are upper tier, or your registration confirmation letter if you are lower tier.

You can find more advice on duty of care on the NIEA website at www.ni-environment.gov.uk and the Netregs website at www.netregs.gov.uk.

Hazardous waste

If your activities involve hazardous waste you will need to comply with the Hazardous Waste Regulations. Please visit the NIEA website at www.ni-environment.gov.uk to find out what you are legally required to do.



What is waste from agricultural premises?

This is waste produced at agricultural premises as a result of an agricultural activity. Agricultural premises are defined in the Agriculture (Northern Ireland) Act 1949 as land used for:

Horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, grazing land, meadow land, market gardens and nursery grounds. It also includes woodlands where that use is ancillary to (supports) the use of land for other agricultural purposes. This definition includes all arable farming.

Not all activities where animals are kept are classed as agricultural. So, for example, riding stables, equine centres, kennels, animal parks and ornamental fish producers are not classed as agricultural premises. Waste from these premises would not qualify the carrier, broker or dealer to register as lower tier.

