



STATUTORY INSTRUMENTS.

S.I. No. 251 of 2013



EUROPEAN UNION (HOUSEHOLD FOOD WASTE AND BIO-WASTE)
(AMENDMENT) REGULATIONS 2013

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I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste¹ and Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008² on waste and repealing certain Directives, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Household Food Waste and Bio-waste) (Amendment) Regulations 2013.

2. “Principal Regulations” means the European Union (Household Food Waste and Bio-Waste) Regulations 2013 (S.I. No 71 of 2013).

Amendment of the Principal Regulations

3. The Principal Regulations are amended—

(a) In Regulation 2-

(i) by inserting “by a local authority” after “writing” in the definition of “authorised person”,

(ii) by inserting the following definition:

“ “local authority” is as defined in the Act.”

(b) In Regulation 5, by inserting the following paragraph after paragraph (3):

“(4) A person who contravenes paragraphs (1), (2) or (3) shall be guilty of an offence.”

(c) In Regulation 6, by inserting the following paragraph after paragraph (3):

“(4) A person who contravenes paragraphs (1), (2) or (3) shall be guilty of an offence.”

¹O.J. L 182, 16.7.1999, p 3

²O.J. L 312, 22.11.2008, p 3

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 12th July, 2013.*

(d) In Regulation 7, by substituting for the entire Regulation the following:

“7. (1) An original producer of food waste arising as part of household waste shall not deposit food waste in the residual waste collection.

(2) A person who contravenes paragraph (1) shall be guilty of an offence ”

(e) In Regulation 8—

(i) by deleting “at any time halt (if necessary) and” in paragraph (1) (b),

(ii) by substituting the following for paragraphs (2) and (3):

“(2) An authorised person shall not, other than with the consent of the occupier, enter into a private dwelling unless he or she has obtained a warrant from the District Court under paragraph (7) authorising such entry.

(3) Every authorised person when exercising any power conferred on him or her by or under these Regulations, shall, if requested by any person affected, produce the letter of appointment furnished to him or her under these Regulations.”

(iii) by substituting the following for paragraph (5) (a):

“An authorised person who, having entered any premises or boarded any vehicle pursuant to this Regulation, considers that any waste thereon or therein is such, or is being handled or segregated or transported in such manner as to constitute a risk of environmental pollution or a contravention of Part III of these Regulations, may direct the holder of such waste to take such measures as are considered by that authorised person to be necessary to remove that risk or contravention, including the disposal of the waste, in such manner and place and within such period as the authorised officer may specify.”



Given under my Official Seal,
10 July 2013.

PHIL HOGAN,
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 EUROPEAN UNION (HOUSEHOLD FOOD WASTE AND BIO-WASTE) Regulations 2013 by clarifying what constitutes an offence under the Regulations, dealing with powers of authorised persons and deleting Regulation 7 (b) which concerns the use of macerators.

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