

Appendix 4 – Legislative Requirements for Food Waste Collections

The requirements relating to the collection of household food waste are founded in two legislative provisions:

1. The Waste and Contaminated Land (NI) Order 1997 ('the 1997 Order'); and
2. The Food Waste Regulations (NI) 2015 ('the 2015 Regulations').

Since its introduction, the terms of Article 20 of 'the 1997 Order' have placed an obligation on Councils to arrange for the collection of household waste in their area except waste –

- (i) *which is situated at a place which in the opinion of the council is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and*
- (ii) *as to which the council is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste;*

Article 21 of 'the 1997 Order' enables councils to require the occupier, "by notice served on him", to place the waste for collection in receptacles of a kind and number specified. In making such requirements the Council may, by that notice, make provision with respect to –

- (a) *the size, construction and maintenance of the receptacles;*
- (b) *the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;*
- (c) *the placing of the receptacles for that purpose on roads;*
- (d) *the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them; and*
- (e) *the steps to be taken by occupiers of premises to facilitate the collecting of waste from the receptacles.*

The introduction of '2015 Regulations' amended Article 20 of 'the 1997 Order' resulted in further specific obligations relating to the collection of household food waste. These are as follows:

A council shall, from 1st April 2015, take such steps as the council considers reasonable to promote separate collection of food waste (including the making of arrangements for the provision of a receptacle which enables the separate collection of food waste from every domestic property in its area).

A district council shall, from 1st April 2017, arrange for there to be provided to the occupier of every domestic property in its area:

- (a) *a receptacle which enables the separate collection of food waste from the property; or*
- (b) *where a district council is satisfied that the amount of food waste that will be collected is not substantially less than would be collected in a receptacle provided under paragraph (a), a receptacle which enables the occupier to present food waste and other bio-waste for separate collection.*

'The 2015 regulations' do not allow food waste which has been separately collected to be mixed with other waste type to the extent that it would hamper future recycling. Mixing with other bio-wastes such as garden waste would be allowed at a properly licensed/permitted facility provided the terms and conditions of the licence/permit specifically enable such.

However, mixing of other bio-wastes with separately collected food waste is not allowed on collection vehicles.

Although 'the 2015 regulations' do not explicitly prohibit all food waste from landfill, they do effectively ban the landfilling of separately collected food waste by placing an obligation on operators of landfills not to accept separately collected food waste. Article 5 of 'the 1997 Order'

requires a written description of waste to cover the waste being transferred from one party to another (excepting householders) with a view to preventing a contravention of 'the 1997 Order' including any condition of a licence/permit.