
STATUTORY INSTRUMENTS

1978 No. 1049

**Pollution Control and Local Government
(Northern Ireland) Order 1978**

PART II

WASTE ON LAND

Supplemental

Interpretation, etc., of Part II

36.—(1) In this Part—

Definition rep. by 1997 NI 19

“carriageway” means a way constituting or forming part of a road, being a way over which the public have a right of way for the passage of motor vehicles;

[^{F1}“controlled waste” has the same meaning as in the Waste and Contaminated Land (Northern Ireland) Order 1997]

Definition rep. by 1997 NI 19

“licence”, in relation to a vehicle, means a licence issued in respect of the vehicle under [^{F2} the Vehicle Excise and Registration Act 1994] or anything which appears to the district council concerned to be a corresponding licence in a country other [^{F2} than the United Kingdom];

Definition rep. by 1994 NI 10

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer;

“owner”, in relation to a motor vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

“public body” means any public authority, board, commissioners or public body of any kind constituted by or under any statutory provision whether of a general or special nature;

Definition rep. by 1997 NI 19

“road” has the same meaning as in the Roads Act (Northern Ireland) 1948 ^{F3};

“waste” includes—

- (a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process; and
- (b) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled,

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation: Pollution Control and Local Government (Northern Ireland) Order 1978, Section 36 is up to date with all changes known to be in force on or before 10 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

but does not include a substance which is an explosive within the meaning of the Explosives Acts 1875 to 1970 or any substance to which Article 3 of the Explosives (Northern Ireland) Order 1972 applies;

and for the purposes of this Part any thing which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste unless the contrary is proved.

Paras. (2)#(4) rep. by 1997 NI 19

(5) In Articles 19, 28, 29 and 30 any reference to a place or land in the open air includes a reference to a place or land covered only by water.

(6) The district of a district council which is bounded by or to seaward of the high-water mark of mean tides shall also include for the purposes of this Part, the land between that high-water mark and the low-water mark of ordinary spring tides which is outside that district to seaward of any place where that high-water mark is within or on the boundary of that district.

F1 1997 NI 19

F2 1994 c. 22

F3 1980 NI 11

Modifications etc. (not altering text)

C1 Art. 36 modified (temp. from 1.12.2006) by [Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 27(1), **Sch. 6 para. 12** (with reg. 26)

Status:

Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation:

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