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STATUTORY INSTRUMENTS

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**1997 No. 2778**

**The Waste and Contaminated Land  
(Northern Ireland) Order 1997**

**PART II**

**WASTE ON LAND**

*Collection, disposal or treatment of controlled waste*

**Power of Department to require waste to be accepted, treated, disposed of or delivered**

27.—(1) The Department may, by notice, direct the holder of any waste management licence to accept and keep, or accept and treat or dispose of, controlled waste at specified places on specified terms.

(2) The Department may, by notice, direct any person who is keeping controlled waste [<sup>F1</sup>in or] on any land to deliver the waste to a specified person on specified terms <sup>F2</sup>....

[<sup>F3</sup>(2A) The Department may by notice—

- (a) direct a registered carrier to collect controlled waste which is being kept in or on specified land and deliver it to a specified person on specified terms;
- (b) direct any person who—
  - (i) is keeping controlled waste in or on any land, or
  - (ii) owns or occupies land in or on which controlled waste is being kept,to facilitate collection of the waste by a specified registered carrier to whom a direction in respect of the waste is given under sub-paragraph (a).]

(3) A direction under [<sup>F4</sup>this Article] may impose a requirement as respects waste of any specified kind or as respects any specified consignment of waste.

(4) A direction under paragraph (2) may require the person who is directed to deliver the waste to pay to the specified person his reasonable costs [<sup>F5</sup>in relation to] the waste.

[<sup>F6</sup>(4A) A direction under paragraph (2A)(b) may require the person to whom it is given—

- (a) to pay to the specified registered carrier the reasonable costs of collecting and delivering the waste;
- (b) to pay to the specified person to whom the waste is delivered (“P”) the reasonable costs incurred by P in relation to the waste (including any costs P is required by a direction under this Article to pay to another person).]

(5) A person who fails, without reasonable excuse, to comply with a direction under [<sup>F7</sup>this Article] shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Changes to legislation:** *The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 27 is up to date with all changes known to be in force on or before 02 April 2024. 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) View outstanding changes*

[<sup>F8</sup>(5A) If in the case of a continuing offence under paragraph (5) the offender continues to fail to comply with the direction he shall be guilty of a further offence and liable on summary conviction to an additional fine not exceeding one-tenth of level 5 on the standard scale for each day on which the offence is continued.]

(6) A person shall not be guilty of an offence under any other statutory provision prescribed for the purposes of this paragraph by reason only of anything necessarily done or omitted in order to comply with a direction under [<sup>F9</sup>this Article].

(7) The Department may [<sup>F10</sup>pay any costs mentioned in paragraph (4) or (4A).]

[<sup>F11</sup>(8) In this Article—

“specified” means specified in a direction under this Article;

“registered carrier” means a person registered under Article 39 as a carrier of controlled waste.]

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| <b>F1</b>  | Words in art. 27(2) inserted (17.10.2011) by <a href="#">Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (c. 5)</a> , ss. 11(1), 12(1), <b>Sch. 1 para. 1</b> ; S.R. 2011/312, <b>art. 2</b> , Sch.        |
| <b>F2</b>  | Words in art. 27(2) omitted (28.2.2022) by virtue of <a href="#">Environment Act 2021 (c. 30)</a> , <b>ss. 67(2)</b> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(l)  |
| <b>F3</b>  | <a href="#">Art. 27(2A)</a> inserted (28.2.2022) by <a href="#">Environment Act 2021 (c. 30)</a> , <b>ss. 67(3)</b> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(l)   |
| <b>F4</b>  | Words in art. 27(3) substituted (28.2.2022) by <a href="#">Environment Act 2021 (c. 30)</a> , <b>ss. 67(4)</b> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(l)  |
| <b>F5</b>  | Words in art. 27(4) substituted (28.2.2022) by <a href="#">Environment Act 2021 (c. 30)</a> , <b>ss. 67(5)</b> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(l)  |
| <b>F6</b>  | <a href="#">Art. 27(4A)</a> inserted (28.2.2022) by <a href="#">Environment Act 2021 (c. 30)</a> , <b>ss. 67(6)</b> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(l)   |
| <b>F7</b>  | Words in art. 27(5) substituted (28.2.2022) by <a href="#">Environment Act 2021 (c. 30)</a> , <b>ss. 67(7)</b> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(l)  |
| <b>F8</b>  | <a href="#">Art. 27(5A)</a> inserted (25.6.2007) by <a href="#">Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611 (N.I. 3))</a> , arts. 1(3), <b>11(1)</b> (with art. 11(2)); S.R. 2007/294, <b>art. 2</b> , Sch. |
| <b>F9</b>  | Words in art. 27(6) substituted (28.2.2022) by <a href="#">Environment Act 2021 (c. 30)</a> , <b>ss. 67(8)</b> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(l)  |
| <b>F10</b> | Words in art. 27(7) substituted (28.2.2022) by <a href="#">Environment Act 2021 (c. 30)</a> , <b>ss. 67(9)</b> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(l)  |
| <b>F11</b> | <a href="#">Art. 27(8)</a> substituted (28.2.2022) by <a href="#">Environment Act 2021 (c. 30)</a> , <b>ss. 67(10)</b> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(l)  |

**Changes to legislation:**

The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 27 is up to date with all changes known to be in force on or before 02 April 2024. 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.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 58(1A) inserted by [2011 c. 5 \(N.I.\) s. 8\(3\)](#)
- art. 70(2A)-(2C) inserted by [2011 c. 5 \(N.I.\) s. 9](#)