
STATUTORY INSTRUMENTS

1997 No. 2778

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

PART II

WASTE ON LAND

Special waste and non-controlled waste

Waste other than controlled waste

31.—(1) Regulations made after consultation with such bodies as the Department considers appropriate may provide that prescribed provisions of this Part shall have effect in a prescribed area—

- (a) as if references in those provisions to controlled waste or controlled waste of a kind specified in the regulations included references to such waste as is mentioned in subparagraph (c) of the definition of “commercial waste” in Article 2(2) which is of a kind so specified; and
- (b) with such modifications as may be prescribed;

and the regulations may make such modifications of any statutory provision (other than the prescribed provisions mentioned in paragraph (1)), as the Department considers appropriate.

- (2) A person who deposits, or knowingly causes or knowingly permits the deposit of, any waste—
- (a) which is not controlled waste, but
 - (b) which, if it were controlled waste, would be special waste,

in a case where he would be guilty of an offence under Article 4 if the waste were special waste and any management licence were not in force, shall, subject to paragraph (3), be guilty of that offence and punishable as if the waste were special waste.

(3) No offence is committed under paragraph (2) if the act charged was done under and in accordance with any consent, licence, approval or authority granted under any statutory provision (excluding any planning permission under the Planning (Northern Ireland) Order 1991.)

(4) Article 20(2) and Article 22(1) shall apply to waste other than controlled waste as they apply to controlled waste.