
STATUTORY INSTRUMENTS

1997 No. 2778

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

PART II

WASTE ON LAND

Other controls on substances, articles or waste

Power to obtain information about potentially hazardous substances

33.—(1) For the purpose of assessing their potential for causing pollution of the environment or harm to human health, regulations may make provision for and in connection with the obtaining of relevant information relating to substances which may be specified by the Department by order for the purposes of this Article.

- (2) The Department shall not make an order under paragraph (1) specifying any substance—
- (a) which was first supplied in any member State on or after 18th September 1981; or
 - (b) in so far as it is a regulated substance for the purposes of any relevant statutory provision.
- (3) Regulations under this Article may—
- (a) prescribe the descriptions of relevant information which are to be furnished under this Article in relation to specified substances;
 - (b) impose requirements on manufacturers or suppliers generally to furnish information prescribed under sub-paragraph (a);
 - (c) provide for the imposition of requirements on manufacturers or suppliers generally to furnish relevant information relating to products or articles containing specified substances in relation to which information has been furnished in pursuance of sub-paragraph (b);
 - (d) provide for the imposition of requirements on particular manufacturers or suppliers to furnish further information relating to specified substances in relation to which information has been furnished in pursuance of sub-paragraph (b);
 - (e) provide for the imposition of requirements on particular manufacturers to carry out tests of specified substances and to furnish information of the results of the tests;
 - (f) authorise persons to comply with requirements to furnish information imposed on them under the regulations by means of representative persons or bodies;
 - (g) impose restrictions on the disclosure of information obtained under this Article and provide for determining what information is, and what information is not, to be treated as furnished in confidence;
 - (h) create offences, subject to the limitation that no offence shall be punishable with imprisonment or punishable on summary conviction with a fine exceeding level 5 on the standard scale;

- (i) make any district council or other body designated by the regulations responsible for the enforcement of the regulations to such extent as may be specified in the regulations;
 - (j) include such other incidental and supplemental, and such transitional, provisions as the Department considers appropriate.
- (4) The Department shall have regard, in imposing or providing for the imposition of any requirement under paragraph (3)(b), (c), (d) or (e), to the cost likely to be involved in complying with the requirement.
- (5) In this Article—
- “relevant information”, in relation to substances, products or articles, means information relating to their properties, production, distribution or use or intended use and, in relation to products or articles, to their disposal as waste;
 - “substance” includes mixtures of substances.
- (6) The statutory provisions which are relevant for the purposes of paragraph (2)(b) are the following—
- the Explosives Act 1875;
 - Parts II, III and VIII of the Medicines Act 1968;
 - Part IV of the Agriculture Act 1970;
 - the Misuse of Drugs Act 1971;
 - Part III of the Food and Environment Protection Act 1985;
 - the Food Safety (Northern Ireland) Order 1991; and
 - the Radioactive Substances Act 1993 ;
- and a substance is a regulated substance for the purposes of any such statutory provision in so far as any prohibition, restriction or requirement is imposed in relation to it under the statutory provision for the purposes of that statutory provision.