STATUTORY INSTRUMENTS

1997 No. 2778

The Waste and Contaminated Land (Northern Ireland) Order 1997

PART II

WASTE ON LAND

Registration of carriers of controlled waste

Restrictions on power under Article 39

40.—(1) Nothing in any regulations under Article 39 shall authorise the Department to refuse an application for registration except where—

(a) there has, in relation to that application, been a contravention of the requirements of any regulations made under Article 39(2)(a); or

(b) the applicant or another relevant person has been convicted of a prescribed offence and, in the opinion of the Department, it is undesirable for the applicant to be authorised to transport controlled waste.

(2) Nothing in any regulations under Article 39 shall authorise the Department to revoke any person's registration as a carrier of controlled waste except **[**[F1]in accordance with regulations under paragraph (5A) of that Article or**]** where—

(a) that person or another relevant person has been convicted of a prescribed offence; and

(b) in the opinion of the Department, it is undesirable for the registered carrier to continue to be authorised to transport controlled waste;

but registration in accordance with any regulations under that Article shall cease to have effect after such period as may be prescribed or if the registered carrier gives written notice requiring the removal of his name from the register.

(3) Regulations under Article 39 may require every registration in respect of a business which is or is to be carried on by 2 or more persons in partnership to be a registration of all the partners and to cease to have effect if any of the partners ceases to be registered or if any person who is not registered becomes a partner.

(4) any regulations under Article 39 shall have the effect of bringing the revocation of any person's registration as a carrier of controlled waste into force except—

(a) after the end of such period as may be prescribed for appealing against the revocation under Article 41; or

(b) where that person has indicated, within that period, that he does not intend to make or continue with an appeal.

(5) Article 3(6) shall apply for the purposes of any provision made under paragraph (1) or (2) as it applies for the purposes of Article 3(3)(a).

(6) In determining for the purposes of any provision made under paragraph (1) or (2) whether it is desirable for any individual to be or to continue to be authorised to transport controlled waste, the Department shall have regard, in a case in which a person other than the individual has been convicted of a prescribed offence, to whether that individual has been a party to the carrying on of a business in a manner involving the commission of prescribed offences.

F1 Words in art. 40(2) inserted (11.3.2013) by The Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611), arts. 1(3), **14(7)**; S.R. 2013/33, art. 2(c)

Changes to legislation:
The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 40 is up to date with all changes known to be in force on or before 27 June 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.
View outstanding changes

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