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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

*[<sup>F1</sup>Provisions relating to offences under Articles 4 and 5*

#### <sup>F1</sup><sup>F2</sup>Article 4 offences: clean-up costs

**5C.**—(1) Paragraph (2) applies where a person is convicted of an offence under Article 4 in respect of a contravention of paragraph (1) of that Article consisting of the deposit or disposal of controlled waste.

(2) The reference in Article 14(1) of the Criminal Justice (Northern Ireland) Order 1994 (compensation orders) to loss or damage resulting from the offence includes costs incurred or to be incurred by the owner or occupier of the land, the Department or a district council in—

- (a) removing the waste deposited or disposed of in or on the land;
- (b) taking other steps to eliminate or reduce the consequences of the deposit or disposal; or
- (c) both.

[  
<sup>F3</sup>(2A) The reference to costs in paragraph (2) does not include any costs which the Department or the council has already recovered under Article 28B(2).]

(3) Subject to paragraph (4), in relation to the costs referred to in paragraph (2), the reference in Article 14(11) of the Criminal Justice (Northern Ireland) Order 1994 (limit on amount payable) to £5000 is instead to be construed as a reference to the amount of those costs (or, if the costs have not yet been incurred, the likely amount).

(4) Paragraph (3) does not apply where a person (other than an establishment or undertaking) is convicted of a relevant offence within the meaning of Article 4.]]

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| <b>F1</b> | Art. 5B and preceding cross-heading 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>6(1)</b> (with art. 6(2)); S.R. 2007/294, <b>art. 2</b> , Sch. |
| <b>F2</b> | Art. 5C 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>7(1)</b> (with art. 7(2)); S.R. 2007/294, <b>art. 2</b> , Sch.                             |
| <b>F3</b> | Art. 5C(2A) inserted (2.1.2023) by <a href="#">Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (c. 5)</a> , <b>ss. 5(4)</b> , 12; S.R. 2022/289, art. 2(b)   |

**Changes to legislation:**

The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 5C is up to date with all changes known to be in force on or before 25 March 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](#)