
STATUTORY INSTRUMENTS

1997 No. 2778

The Waste and Contaminated Land (Northern Ireland) Order 1997

PART IV GENERAL

Supervision and enforcement

Offences

74.—(1) It is an offence for a person intentionally to obstruct an authorised person in the exercise or performance of his powers or duties.

(2) It is an offence for a person, without reasonable excuse,—

- (a) to fail to comply with any requirement imposed under Article 72;
- (b) to fail or refuse to provide facilities or assistance or any information or to permit any inspection reasonably required by an authorised person in the discharge of his functions under that Article; or
- (c) to prevent any other person from appearing before an authorised person, or answering any question to which an authorised person may require an answer under that Article.

(3) It is an offence for a person falsely to pretend to be an authorised person.

(4) A person guilty of an offence under paragraph (1) shall be liable—

- (a) in the case of an offence of obstructing an authorised person in the exercise of his powers under Article 73—
 - (i) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine or to both;
 - (ii) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) in any other case, on summary conviction, to a fine not exceeding level 5 on the standard scale.

(5) A person guilty of an offence under paragraph (2) or (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

[^{F1}(5A) Summary proceedings for an offence under paragraph (2) or (3) may be instituted at any time within 12 months after the commission of the offence.]

(6) In this Article—

“authorised person” has the same meaning as in Article 72;

“powers or duties” includes powers or duties exercisable by virtue of a warrant under Schedule 4.

Changes to legislation: *The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 74 is up to date with all changes known to be in force on or before 24 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*

F1 Art. 74(5A) inserted (25.6.2007) by [Waste \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/611 \(N.I. 3\)\)](#), arts. 1(3), **18(2)**; S.R. 2007/294, **art. 2**, Sch.

Modifications etc. (not altering text)

C1 Art. 74 applied (with modifications) (1.4.2018) by [The Control of Mercury \(Enforcement\) Regulations 2017 \(S.I. 2017/1200\)](#), regs. 2(2), **21(3)** (with reg. 1(2))

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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](#)