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STATUTORY INSTRUMENTS

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**1997 No. 2778 (N.I. 19)**

The Waste and Contaminated Land  
(Northern Ireland) Order 1997

- - - - 26th November 1997

THE WASTE AND CONTAMINATED LAND  
(NORTHERN IRELAND) ORDER 1997

PART I

INTRODUCTORY

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2. General interpretation

PART II

WASTE ON LAND

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*Prohibition on unauthorised or harmful depositing, treatment or disposal of waste*

4. Prohibition on unauthorised or harmful deposit, treatment or disposal, etc., of waste
- 4A Fixed penalty notices for offences under Article 4

*Duty of care, etc., as respects waste*

5. Duty of care, etc., as respects waste
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- 77. Power to give effect to assimilated obligations and other international obligations, etc.
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### SCHEDULES

#### SCHEDULE 1 —

- 1. Production or consumption residues not otherwise specified below.
- 2. Off-specification products.
- 3. Products whose date for appropriate use has expired.
- 4. Materials spilled, lost or having undergone other mishap, including any materials, equipment,
- 5. Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations,
- 6. Unusable parts (e.g. reject batteries, exhausted catalysts,
- 7. Substances which no longer perform satisfactorily (e.g. contaminated acids, contaminated solvents, exhausted tempering salts,
- 8. Residues of industrial processes (e.g. slags, still bottoms,
- 9. Residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts, spent filters,
- 10. Machining or finishing residues (e.g. lathe turnings, mill scales,

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11. Residues from raw materials extraction and processing (e.g. mining residues, oil field slops,
12. Adulterated materials (e.g. oils contaminated with PCBs,
13. Any materials, substances or products whose use has been banned by law.
14. Products for which the holder has no further use (e.g. agricultural, household, office, commercial and
15. Contaminated materials, substances or products resulting from remedial action with respect to land.
16. Any materials, substances or products which are not contained in the above categories.

## SCHEDULE 2 — APPEALS AND DECISIONS REFERRED TO THE PLANNING APPEALS COMMISSION

### PART I — APPEALS UNDER ARTICLE 17, 41 OR 58

1. This paragraph applies to an appeal to the Planning Appeals Commission (“the Commission”) under

### PART II — APPEALS UNDER ARTICLE 36 OR 65

2. This paragraph applies to an appeal to the Planning Appeals Commission under Article 36(5) or

### PART III — DECISIONS REFERRED UNDER ARTICLE 52

4. This paragraph applies where, in accordance with paragraph (1) of Article 52, a district council

## SCHEDULE 3 — THE WASTE MANAGEMENT PLAN

### Part 1 — Objectives

1. Overall objective
2. Application of the waste hierarchy
3. Protection of human health and the environment
4. Principles of self-sufficiency and proximity
5. Analysis of the current waste management situation etc.
6. General policies in relation to waste and litter
7. Policies in relation to packaging waste
8. Policies in relation to separate collection of waste
9. Policies in relation to bio-waste
10. Policies in relation to preparing for re-use
11. Policies in relation to recycling targets and landfill reduction targets

### Part 2 — Matters which must be included in the waste management plan

12. The waste management plan may include provision about any of the following, taking into account

### Part 3 — Matters which may be included in the waste management plan

13. The economic instruments and other measures referred to in paragraph 2(3) are—

## SCHEDULE 4 — SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY

### — Interpretation

#### *Interpretation*

1. In this Schedule “relevant power” means a power conferred by Article 72, including a power

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*Issue of warrants*

2. If it is shown to the satisfaction of a justice of the peace on complaint

*Information obtained to be admissible in evidence*

3. Subject to Article 72(9), information obtained in consequence of the exercise of a relevant power,

*Duty to secure premises*

4. An authorised person who, in the exercise of a relevant power, enters on any premises

*Compensation*

5. Where an authorised person exercises any power conferred by Article 72(2) (a) or (b) or (3),

— Schedule 5—Amendments

— Schedule 6—Repeals

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**Changes and effects yet to be applied to :**

- Sch. 3 para. 9(b) words omitted by [S.I. 2019/584 reg. 14\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Words to be omitted are not contained in Sch. 3 substituted (18.12.2020) by [S.R. 2020/285, reg. 2\(7\)](#))
- [art. 49\(1\)](#) word inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(b\)](#)
- [art. 49\(1\)](#) words added by [2011 c. 5 \(N.I.\) s. 7\(2\)\(c\)](#)
- [art. 49\(1\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(a\)](#)
- [art. 49\(2\)\(a\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(d\)\(i\)](#)
- [art. 49\(2\)\(b\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(d\)\(ii\)](#)
- [art. 49\(2\)\(c\)](#) repealed by [2011 c. 5 \(N.I.\) s. 7\(2\)\(d\)\(iii\)](#)[Sch. 2](#)
- [art. 49\(3\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(e\)\(iii\)](#)
- [art. 49\(3\)\(a\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(e\)\(i\)](#)
- [art. 49\(3\)\(b\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(e\)\(ii\)](#)
- [art. 49\(4\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(f\)](#)
- [art. 51\(9\)\(a\)\(ii\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(3\)\(a\)](#)
- [art. 51\(9\)\(b\)](#) word inserted by [2011 c. 5 \(N.I.\) s. 7\(3\)\(b\)](#)
- [art. 53\(4\)\(b\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(4\)](#)
- [art. 57\(3\)\(4\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(5\)](#)
- [art. 58\(1\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 8\(2\)](#)
- [art. 58\(3\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 8\(4\)](#)
- [art. 58\(4\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 8\(5\)](#)
- [art. 58\(5\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 8\(6\)](#)
- [art. 68\(1\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(6\)\(a\)\(ii\)](#)
- [art. 68\(1\)\(b\)](#) substituted by [2011 c. 5 \(N.I.\) s. 7\(6\)\(a\)\(i\)](#)
- [art. 68\(2\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(6\)\(b\)](#)
- [art. 70\(1\)\(b\)](#) word inserted by [2011 c. 5 \(N.I.\) s. 7\(7\)](#)
- [art. 70\(2\)](#) word inserted by [2011 c. 5 \(N.I.\) s. 7\(7\)](#)
- [art. 72\(13\)](#) words inserted by [2011 c. 5 \(N.I.\) Sch. 1 para. 2](#)
- [art. 76\(1\)](#) words substituted by [2011 c. 5 \(N.I.\) Sch. 1 para. 3](#)

**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](#)