

SCHEDULES

SCHEDULE 1

Article 2(2) and (6).

CATEGORIES OF WASTE

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, etc., contaminated as a result of the mishap.
5. Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations, packing materials, containers, etc.).
6. Unusable parts (e.g. reject batteries, exhausted catalysts, etc.).
7. Substances which no longer perform satisfactorily (e.g. contaminated acids, contaminated solvents, exhausted tempering salts, etc.).
8. Residues of industrial processes (e.g. slags, still bottoms, etc.).
9. Residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts, spent filters, etc.).
10. Machining or finishing residues (e.g. lathe turnings, mill scales, etc.).
11. Residues from raw materials extraction and processing (e.g. mining residues, oil field slops, etc.).
12. Adulterated materials (e.g. oils contaminated with PCBs, etc.).
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 shop discards, etc.).
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

Articles 17(2), 36(6), 41(3), 52(2), 58(2),
65(4).

APPEALS AND DECISIONS REFERRED TO THE PLANNING APPEALS COMMISSION

PART I

APPEALS UNDER ARTICLE 17, 41 OR 58

1.—(1) This paragraph applies to an appeal to the Planning Appeals Commission (“the Commission”) under Article 17, 41 or 58.

(2) The Commission shall determine the appeal and paragraphs (1), (3) and (5) of Article 111 of the Planning (Northern Ireland) Order 1991 shall apply in relation to the determination of the appeal as they apply in relation to the determination of an appeal under that Order.

(3) If either party to the appeal so requests, the Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.

PART II

APPEALS UNDER ARTICLE 36 OR 65

2.—(1) This paragraph applies to an appeal to the Planning Appeals Commission under Article 36(5) or 65(3).

(2) The Commission shall determine the appeal and paragraphs (1), (3) and (5) of Article 111 of the Planning (Northern Ireland) Order 1991 shall apply in relation to the determination of the appeal as they apply in relation to the determination of an appeal under that Order.

(3) If either party to the appeal so requests, the Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.

(4) Any hearing in connection with the appeal must be held in private.

PART III

DECISIONS REFERRED UNDER ARTICLE 52

4.—(1) This paragraph applies where, in accordance with paragraph (1) of Article 52, a district council refers a decision under that Article to the Planning Appeals Commission.

(2) The Commission shall consider the decision and paragraphs (2), (3) and (5) of Article 111 of the Planning (Northern Ireland) Order 1991 shall apply in relation to the consideration of the decision as they apply in relation to an inquiry or hearing under that Order.

SCHEDULE 3

Article 19(3)(a).

OBJECTIVES FOR THE PURPOSES OF THE WASTE STRATEGY

1. Ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and, in particular, without—

- (a) risk to water, air, soil, plants or animals;
 - (b) causing nuisance through noise or odours; or
 - (c) adversely affecting the countryside or places of special interest.
2. Establishing an integrated and adequate network of waste disposal installations, taking account of the best available technology not involving excessive costs.
3. Ensuring that the network referred to in paragraph 2 enables—
- (a) the European Community as a whole to become self-sufficient in waste disposal, and the Member States individually to move towards that aim, taking into account geographical circumstances or the need for specialised installations for certain types of waste; and
 - (b) waste to be disposed of in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health.
4. Encouraging the prevention or reduction of waste production and its harmfulness, in particular by—
- (a) the development of clean technologies more sparing in their use of natural resources;
 - (b) the technical development and marketing of products designed so as to make no contribution or to make the smallest possible contribution, by the nature of their manufacture, use or final disposal, to increasing the amount or harmfulness of waste and pollution hazards; and
 - (c) the development of appropriate techniques for the final disposal of dangerous substances contained in waste destined for recovery.
5. Encouraging—
- (a) the recovery of waste by means of recycling, reuse or reclamation or any other process with a view to extracting secondary raw materials; and
 - (b) the use of waste as a source of energy.

SCHEDULE 4

Article 72.

SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY

Interpretation

1. In this Schedule “relevant power” means a power conferred by Article 72, including a power exercisable by virtue of a warrant under this Schedule.

Issue of warrants

- 2.—(1) If it is shown to the satisfaction of a justice of the peace on complaint on oath—
- (a) that there are reasonable grounds for the exercise in relation to any premises of a relevant power; and
 - (b) that one or more of the conditions specified in sub-paragraph (2) is fulfilled in relation to those premises,

the justice may by warrant authorise an authorised person to exercise the power in relation to those premises, in accordance with the warrant and, if need be, by force.

Status: This is the original version (as it was originally made).

- (2) The conditions mentioned in sub-paragraph (1)(b) are—
- (a) that the exercise of the power in relation to the premises has been refused;
 - (b) that such a refusal is reasonably apprehended;
 - (c) that the premises are unoccupied;
 - (d) that the occupier is temporarily absent from the premises and the case is one of urgency; or
 - (e) that an application for admission to the premises would defeat the object of the proposed entry.

(3) In a case where paragraph (4) of Article 72 applies, a justice of the peace shall not issue a warrant under this Schedule by virtue only of being satisfied that the exercise of a power in relation to any premises has been refused, or that a refusal is reasonably apprehended, unless he is also satisfied that the notice required by that paragraph has been given and that the period of that notice has expired.

(4) Every warrant under this Schedule shall continue in force until the purposes for which the warrant was issued have been fulfilled.

Information obtained to be admissible in evidence

3.—(1) Subject to Article 72(9), information obtained in consequence of the exercise of a relevant power, with or without the consent of any person, shall be admissible in evidence against that or any other person.

(2) Without prejudice to the generality of sub-paragraph (1), information obtained by means of monitoring or other apparatus installed on any premises in the exercise of a relevant power, with or without the consent of any person in occupation of the premises, shall be admissible in evidence in any proceedings against that or any other person.

Duty to secure premises

4. An authorised person who, in the exercise of a relevant power, enters on any premises which are unoccupied or whose occupier is temporarily absent shall leave the premises as effectually secured against trespassers as he found them.

Compensation

5.—(1) Where an authorised person exercises any power conferred by Article 72(2)(a) or (b) or (3), the enforcing authority under whose authorisation he acts shall make full compensation to any person who has sustained loss or damage by reason of—

- (a) the exercise by the authorised person of that power; or
- (b) the performance of, or the failure of the authorised person to perform, the duty imposed by paragraph 4.

(2) Compensation shall not be payable by virtue of sub-paragraph (1) in respect of any loss or damage if the loss or damage—

- (a) is attributable to the default of the person who sustained it; or
- (b) is loss or damage in respect of which compensation is payable under any other provision of the pollution control statutory provisions.

(3) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of any such compensation, shall be referred to and determined by the Lands Tribunal; and

Articles 4 and 5 of the Land Compensation (Northern Ireland) Order 1982 shall apply to any such determination.

SCHEDULE 5

Article 83(1).

AMENDMENTS

Land Registration Act (Northern Ireland) 1970 (c. 18 (N.I.))

1. In Schedule 11 (matters requiring to be registered in the Statutory Charges Register), at the end add—

“42. Any charge under Article 61 of the Waste and Contaminated Land (Northern Ireland) Order 1997.”.

Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)

2. In Article 19 (removal of waste deposited on land)—

- (a) in paragraph (1) for “Article 18(2) or” substitute “Article 31(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997 or Article”;
- (b) in paragraph (3) for “Article 18(2) or” substitute “Article 31(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997 or Article”.

3. In Article 36(1) (interpretation of Part II) for the definition of “controlled waste” substitute—
““controlled waste” has the same meaning as in the Waste and Contaminated Land (Northern Ireland) Order 1997”.

Environmental Protection Act 1990 (c. 43)

4. In section 62(4) (definition of “waste regulation authority” for Northern Ireland) for the words from “a district” onwards substitute “the Department of the Environment for Northern Ireland”.

5. In section 141(7) (definition of “waste regulation authority” for Northern Ireland) for the words from “a district” onwards substitute “the Department of the Environment for Northern Ireland”.

Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 (NI 6)

6. In Schedule 1, in paragraph 1(2) (competition rules for collection of refuse), in the definition of “household waste” for the words from “Article 14” onwards substitute “Article 20 of the Waste and Contaminated Land (Northern Ireland) Order 1997”.

Litter (Northern Ireland) Order 1994 (NI 10)

7. In Article 17 (application of the Pollution Control and Local Government (Northern Ireland) Order 1978 to litter)—

- (a) for any reference in that Article (including the cross-heading) to Part II of the Pollution Control and Local Government (Northern Ireland) Order 1978 substitute a reference to the Waste and Contaminated Land (Northern Ireland) Order 1997;
- (b) in paragraph (2)(b) for “14” substitute “20”;
- (c) in paragraph (3) for “36” substitute “2”.

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Industrial Pollution Control (Northern Ireland) Order 1997 (NI 18)

8. In Article 28(1) (authorisation and other statutory controls)—
- (a) for “Pollution Control and Local Government (Northern Ireland) Order 1978” substitute “Waste and Contaminated Land (Northern Ireland) Order 1997”;
 - (b) for “district council for the area in which the process is to be carried on” substitute “Department”.

SCHEDULE 6

Article 83(2).

REPEALS

Number	Short title	Extent of Repeal
1978 NI 19.	Pollution Control and Local Government (Northern Ireland) Order 1978.	Articles 3 to 18, 21 to 24, 34 and 35. In Article 36, in paragraph (1) the definitions of “associated works”; “disposal licence” and “relevant land”; paragraphs (2) to (4). Article 85. In Article 86 the words “Subject to Article 18(4)”.
1985 NI 15.	Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.	In Schedule 3, paragraphs 17 to 21, 23 and 24.
1991 NI 11.	Planning (Northern Ireland) Order 1991.	In Schedule 5, in the entry relating to the Pollution Control and Local Government (Northern Ireland) Order 1978 the words “7(2), 18(2),”.
1992 NI 1.	Electricity (Northern Ireland) Order 1992.	In Schedule 12, paragraph 18.
1996 NI 2.	Gas (Northern Ireland) Order 1996.	In Schedule 6 the entry relating to the Pollution Control and Local Government (Northern Ireland) Order 1978.
1997 NI 19.	Waste and Contaminated Land (Northern Ireland) Order 1997.	In Article 5(3)(b) the words from “or of a” onwards. Articles 23 and 37(2)(c). In Article 43(1)(a)(i) the words from “or under” to “waste”). In Article 72, in paragraph (12), in the

Number	Short title	Extent of Repeal
		definition of “enforcing authority” sub-paragraph (c) and in the definition of “pollution control statutory provisions” sub-paragraph (b) (ii).