
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 325 (C. 24)

ENVIRONMENTAL PROTECTION

**The Waste and Contaminated Land (1997 Order)
(Commencement No. 3) Order (Northern Ireland) 1999**

Made - - - -

9th July 1999

The Department of the Environment, in exercise of the powers conferred on it by Article 1(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997⁽¹⁾ and paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974⁽²⁾ and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Waste and Contaminated Land (1997 Order) (Commencement No. 3) Order (Northern Ireland) 1999.

(2) In this Order “the Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997.

Appointed Days

2.—(1) The day appointed for the coming into operation of the provisions of the Order specified in Schedule 1 shall be 19th August 1999.

(2) The day appointed for the coming into operation of the provisions of the Order specified in Schedule 2 shall be 11th March 2000.

Sealed with the Official Seal of the Department of the Environment on

9th July 1999.

R. W. Rogers
Assistant Secretary

(1) S.I.1997/2778 (N.I.)
(2) 1974 c. 28

SCHEDULE 1

Article 2

**Provisions of the Order for which 19th August 1999
is appointed as the day of coming into operation**

<i>Provisions of the Order</i>	<i>Subject Matter</i>
Article 2(2) (insofar as it relates to the definitions of “road” and “transport”)	Interpretation
Article 3(3)(a) and 3(6) (both paragraphs for the purposes of Article 40(5))	Meaning “another relevant person”
Articles 34 and 35 (both Articles for the purposes of Article 39(7))	Public registers
Article 38(3)	Enables the Department to make regulations prescribing the circumstances in which persons will not be required to register as carriers of controlled waste
Article 39	Registration of carriers
Article 40	Restriction on power under Article 39
Article 41	Appeals against refusal of registration, etc.
Article 42(8) (insofar as it relates to the definition of “authorised officer” for the purposes of Article 43)	Duty to produce authority to transport controlled waste
Article 43 (insofar as it relates to an offence under Article 5 of the Pollution Control and Local Government (Northern Ireland) Order 1978(3))	Seizure and disposal of vehicles used for illegal waste disposal
Part I of Schedule 2 (insofar as it relates to appeals under Article 41)	Appeals and decisions referred to the Planning Appeals Commission

SCHEDULE 2

Article 2

**Provisions of the Order for which 11th March
2000 is the appointed day of coming into operation**

<i>Provisions of the Order</i>	<i>Subject Matter</i>
Article 38(1), (2), (4), (5) and (6)	Offence of transporting controlled waste without registering
Article 42(1) to (7)	Duty to produce authority to transport controlled waste

(3) 1978/1049 (N.I. 19)

(3) 1978/1049 (N.I. 19)

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation on 19th August 1999 certain provisions of the Waste and Contaminated Land (Northern Ireland) Order 1997 which enable the Department to establish a public register of waste carriers and make provision for persons involved in the transportation of controlled waste to register with the Department as carriers of such waste and other ancillary provisions relating to such carriers.

This Order also brings into operation on 11th March 2000 the remaining provisions of Articles 38 and 42 of the 1997 Order which make it an offence to transport controlled waste without being registered as a carrier or failing to comply with the requirement to produce authority for transporting such waste.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

The following provisions of the Waste and Contaminated Land (Northern Ireland) Order 1997 have been brought into operation by earlier commencement orders as from the date shown.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. Number</i>
Article 1	17th September 1998	S.R. 1998 No. 288 (C. 11)
Article 2(1), (2) (partially), (3), (7) and (8)	17th September 1998	S.R. 1998 No. 288 (C. 11)
Article 2(2) (partially) and (6)	1st December 1998	S.R. 1998 No. 390 (C. 18)