
STATUTORY INSTRUMENTS

1997 No. 2778

**The Waste and Contaminated Land
(Northern Ireland) Order 1997**

PART II

WASTE ON LAND

Waste Management Licences

Compensation where rights granted pursuant to Article 6(4) or 12(9)

7.—(1) This Article applies in any case where—

- (a) the holder of a licence is required—
 - (i) by the conditions of the licence; or
 - (ii) by a requirement imposed under Article 12(8),
to carry out any works or do any other thing which he is not entitled to carry out or do;
- (b) a person whose consent would be required has, pursuant to the requirements of Article 6(4) or 12(9), granted, or joined in granting, to the holder of the licence any rights in relation to any land; and
- (c) those rights, or those rights together with other rights, are such as will enable the holder of the licence to comply with any requirements imposed on him by the licence or, as the case may be, under Article 12(8).

(2) In a case where this Article applies, any person who has granted, or joined in granting, the rights in question shall be entitled to be paid compensation under this Article by the holder of the licence.

(3) Regulations shall provide for the descriptions of loss and damage for which compensation is payable under this Article.

(4) Regulations may—

- (a) provide for the basis on which any amount to be paid by way of compensation under this Article is to be assessed;
- (b) without prejudice to the generality of paragraph (3) and sub-paragraph (a), provide for compensation under this Article to be payable in respect of—
 - (i) any effect of any rights being granted, or
 - (ii) any consequence of the exercise of any rights which have been granted;
- (c) provide for the times at which any entitlement to compensation under this Article is to arise or at which any such compensation is to become payable;
- (d) provide for the persons or bodies by whom, and the manner in which, any dispute—

- (i) as to whether any, and (if so) how much and when, compensation under this Article is payable; or
- (ii) as to the person to or by whom it shall be paid,
is to be determined;
- (e) provide for when or how applications may be made for compensation under this Article;
- (f) without prejudice to the generality of sub-paragraph (d), provide for when or how applications may be made for the determination of any such disputes as are mentioned in that sub-paragraph;
- (g) without prejudice to the generality of sub-paragraphs (e) and (f), prescribe the form in which any such applications as are mentioned in those sub-paragraphs are to be made;
- (h) make provision similar to any provision made by Article 18 of the Land Compensation (Northern Ireland) Order 1982;
- (i) include such incidental, supplemental, consequential or transitional provision as the Department considers appropriate.