
STATUTORY INSTRUMENTS

1997 No. 2778

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

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

[^{F1}The “appropriate person”

28A.—(1) Subject to the following provisions of this Article, the appropriate person in relation to any deposit of waste in or on any land is the person (“D”) who deposited the waste.

- (2) Unless paragraph (3) applies, the appropriate person is the occupier of the land if—
- (a) D cannot be identified or cannot be found without the enforcing authority incurring unreasonable expense; or
 - (b) the enforcing authority has served a notice under Article 28(1) imposing a requirement on D and—
 - (i) D has failed to comply with that requirement within the period specified in the notice; or
 - (ii) that requirement has been quashed on the ground specified in Article 28(3)(a).
- (3) The appropriate person is the owner of the land if—
- (a) there is no occupier of the land or the occupier cannot be found without the enforcing authority incurring unreasonable expense; or
 - (b) the enforcing authority has served a notice under Article 28(1) imposing a requirement on the occupier of the land and—
 - (i) the occupier has failed to comply with that requirement within the period specified in the notice; or
 - (ii) that requirement has been quashed on the ground specified in Article 28(3)(a).
- (4) This Article applies for the purposes of Article 28.
- (5) A notice under Article 28(1) which may be served—
- (a) by virtue of paragraph (1) may not be served by virtue of paragraph (2) or (3);
 - (b) by virtue of paragraph (2) may not be served by virtue of paragraph (3).]

F1 Arts. 28-28B substituted for art. 20, 28A (2.1.2023) by [Waste and Contaminated Land \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 5\), ss. 4, 12; S.R. 2022/289, art. 2\(a\)](#)

Changes to legislation:

The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 28A is up to date with all changes known to be in force on or before 07 March 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.

[View outstanding changes](#)

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](#)