
STATUTORY INSTRUMENTS

1997 No. 2778

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

PART II

WASTE ON LAND

Registration of carriers of controlled waste

Registration of carriers

39.—(1) Subject to Article 40, regulations may make provision for the registration of persons with the Department as carriers of controlled waste and, for that purpose, for the establishment and maintenance by the Department, in accordance with the regulations, of such registers as may be prescribed.

(2) Regulations under this Article may—

- (a) make provision with respect to applications for registration;
- (b) impose requirements with respect to registers of carriers of controlled waste;
- (c) provide for the issue of a certificate of registration ^{F1}... to a registered carrier of controlled waste both on his registration and on the making of any alteration of any entry relating to him in a register of such carriers;

^{F2}(d)

- (e) provide that the provision to a registered carrier of such copies of a certificate of registration as are provided in addition to the certificate provided ^{F3}... in pursuance of provision made under sub-paragraph (c) is to be made subject to the payment of a charge imposed under the regulations.

(3) Provision contained in any regulations under this Article under paragraph (2)(a) may, in particular, include provision which—

^{F4}(a)

- (b) prescribes the period within which an application for the renewal of any registration which is due to expire is to be made;
- (c) imposes requirements with respect to the information which is to be provided by an applicant;
- (d) requires the imposition of charges in respect of the consideration of applications.

(4) Without prejudice to the generality of [^{F5}paragraph (3)(c)] —

^{F6}(a)

Changes to legislation: The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 39 is up to date with all changes known to be in force on or before 22 January 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. (See end of Document for details) View outstanding changes

- (b) the power to impose requirements with respect to information under sub-paragraph (c) includes power to make provision requiring an application to be accompanied by such information as may reasonably be required by the Department.
- (5) Provision contained in any regulations under this Article under paragraph (2)(b) may, in particular, include provision—
- (a) specifying or describing the information to be incorporated in any register maintained under any such regulations;
 - (b) requiring a registered carrier of controlled waste to notify the Department of any change of circumstances affecting information contained in the entry relating to that carrier in that register;
 - (c) requiring the Department, to such extent and in such manner as may be prescribed, to make the contents of any such register available for public inspection free of charge; and
 - (d) requiring the Department, on payment of such charges as may be imposed under the regulations, to provide such copies of the contents of any such register to any person applying for a copy as may be prescribed.
- [^{F7}(5A) Regulations under this Article may include provision for—
- (a) the registration of a person as a carrier of controlled waste to be subject to conditions relating to the vehicles used by him in transporting such waste; or
 - (b) the revocation by the Department of the registration of a carrier of controlled waste who has breached a condition imposed on him under sub-paragraph (a).
- (5B) Provision contained in any regulations under this Article by virtue of paragraph (5A) may, in particular, include provision—
- (a) for inspection by the Department of the vehicles of registered carriers of controlled waste for the purpose of ensuring compliance with conditions imposed under paragraph (5A)(a);
 - (b) for the Department to impose charges on registered carriers of controlled waste in respect of such inspections.]
- (6) Paragraphs (2) [^{F8}to (5B)] are without prejudice to the generality of paragraph (1).
- (7) Article 35 shall apply in relation to a register maintained under this Article as it applies in relation to a register maintained under Article 34.

F1	Words in art. 39(2)(c) repealed (11.3.2013) by The Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611) , arts. 1(3), 14(2)(a), Sch. ; S.R. 2013/33, art. 2(c)(f)
F2	Art. 39(2)(d) repealed (11.3.2013) by The Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611) , arts. 1(3), 14(2)(b), Sch. ; S.R. 2013/33, art. 2(c)(f)
F3	Words in art. 39(2)(e) repealed (11.3.2013) by The Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611) , arts. 1(3), 14(2)(c), Sch. ; S.R. 2013/33, art. 2(c)(f)
F4	Art. 39(3)(a) repealed (11.3.2013) by The Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611) , arts. 1(3), 14(3), Sch. ; S.R. 2013/33, art. 2(c)(f)
F5	Words in art. 39(4) substituted (11.3.2013) by The Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611) , arts. 1(3), 14(4)(a) ; S.R. 2013/33, art. 2(c)
F6	Art. 39(4)(a) repealed (11.3.2013) by The Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611) , arts. 1(3), 14(4)(b), Sch. ; S.R. 2013/33, art. 2(c)(f)
F7	Art. 39(5A)(5B) inserted (11.3.2013) by The Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611) , arts. 1(3), 14(5) ; S.R. 2013/33, art. 2(c)
F8	Words in art. 39(6) substituted (11.3.2013) by The Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611) , arts. 1(3), 14(6) ; S.R. 2013/33, art. 2(c)

Changes to legislation:

The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 39 is up to date with all changes known to be in force on or before 22 January 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.

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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](#)