STATUTORY INSTRUMENTS

1997 No. 2778 (N.I. 19)

NORTHERN IRELAND

The Waste and Contaminated Land (Northern Ireland) Order 1997

Made - - - 26th November 1997 Coming into operation on days to be appointed under Article 1(2)

THE WASTE AND CONTAMINATED LAND (NORTHERN IRELAND) ORDER 1997

PART I

INTRODUCTORY

- 1. Title and commencement
- 2. General interpretation

PART II

WASTE ON LAND

3. Meaning of "fit and proper person"

Prohibition on unauthorised or harmful depositing, treatment or disposal of waste

4. Prohibition on unauthorised or harmful deposit, treatment or disposal, etc., of waste

Duty of care, etc., as respects waste

5. Duty of care, etc., as respects waste

Waste Management Licences

- 6. Waste management licences: general
- 7. Compensation where rights granted pursuant to Article 6(4) or 12(9)
- 8. Grant of licences
- 9. Consultation before the grant of certain licences
- 10. Variation of licences
- 11. Consultation before certain variations

Status: This is the original version (as it was originally made).

- 12. Revocation and suspension of licences
- 13. Surrender of licences
- 14. Transfer of licences
- 15. Fees and charges for licences
- 16. Supervision of licensed activities
- 17. Appeals from decisions with respect to licences
- 18. Offences of making false or misleading statements or false entries

Collection, disposal or treatment of controlled waste

- 19. Waste strategy
- 20. Collection of controlled waste
- 21. Receptacles for household waste
- 22. Receptacles for commercial or industrial waste
- 23. Waste management plans by district councils
- 24. Payments for recycling and disposal, etc., of waste
- 25. Disposal of waste
- 26. Powers for recycling waste
- Power of Department to require waste to be accepted, treated, disposed of or delivered
- 28. Powers to require removal of waste unlawfully deposited
- 29. Interference with waste sites and receptacles for waste

Special waste and non-controlled waste

- 30. Special provision with respect to certain dangerous or intractable waste
- 31. Waste other than controlled waste

Other controls on substances, articles or waste

- 32. Power to prohibit or restrict the use, supply or storage of injurious substances or articles
- 33. Power to obtain information about potentially hazardous substances

Publicity

- 34. Public registers
- 35. Exclusion from registers of information affecting national security
- 36. Exclusion from registers of certain confidential information
- 37. Annual reports

Registration of carriers of controlled waste

- 38. Offence of transporting controlled waste without registering
- 39. Registration of carriers
- 40. Restrictions on power under Article 39
- 41. Appeals against refusal of registration, etc.
- 42. Duty to produce authority to transport controlled waste
- 43. Seizure and disposal of vehicles used for illegal waste disposal

Miscellaneous

- 44. Obtaining of information
- 45. Provisions relating to legal proceedings and civil liability
- 46. Supplementary provisions relating to pipes
- 47. Transitional provisions with respect to licences

48. This Part and radioactive substances

PART III

CONTAMINATED LAND

- 49. Interpretation of Part III
- 50. Identification of contaminated land
- 51. Identification and designation of special sites
- 52. Referral of special site decisions to the Planning Appeals Commission
- 53. Duty of enforcing authority to require remediation of contaminated land, etc.
- 54. Determination of the appropriate person to bear responsibility for remediation
- 55. Grant of, and compensation for, rights of entry, etc.
- 56. Restrictions and prohibitions on serving remediation notices
- 57. Liability in respect of contaminating substances which escape to other land
- 58. Appeals against remediation notices
- 59. Offences of not complying with a remediation notice
- 60. Powers of the enforcing authority to carry out remediation
- 61. Recovery of, and security for, the cost of remediation by the enforcing authority
- 62. Special sites
- 63. Registers
- 64. Exclusion from registers of information affecting national security
- 65. Exclusion from registers of certain confidential information
- 66. Reports by the Department on the state of contaminated land
- 67. Guidance by the Department concerning contaminated land
- 68. Supplementary provisions
- 69. Supplementary provisions with respect to guidance by the Department
- 70. Interaction of this Part with other statutory provisions
- 71. This Part and radioactivity

PART IV

GENERAL

Supervision and enforcement

- 72. Powers of enforcing authorities and persons authorised by them
- 73. Power to deal with cause of imminent danger of serious pollution etc.
- 74. Offences

Evidence

75. Evidence in connection with certain pollution offences

Information

76. Disclosure of information

Supplemental

- 77. Power to give effect to Community and other international obligations, etc.
- 78. Offences by bodies corporate
- 79. Offences under this Order due to fault of others
- 80. Application to Crown

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

- 81. Financial provision
- 82. Orders, regulations and directions
- 83. Amendments and repeals Signature

SCHEDULES:

Schedule 1 — Categories of waste.

Schedule 2 — Appeals and decisions referred to the Planning Appeals Commission.

Part I — Appeals under Article 17, 41 or 58.

Part II — Appeals under Article 36 or 65.

Part III — Decisions referred under Article 52.

Schedule 3 — Objectives for the purposes of the waste strategy.

Schedule 4 — Supplemental provisions with respect to powers of entry.

Schedule 5 — Amendments.

Schedule 6 — Repeals.

Explanatory Note