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STATUTORY INSTRUMENTS

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**2007 No. 611**

**The Waste (Amendment) (Northern Ireland) Order 2007**

*Waste collection and disposal*

**Power to require owner of land to remove waste**

**12.**—(1) In Article 28 of the 1997 Order (power to require removal of waste unlawfully deposited), in paragraph (8)(b) after “occupier of the land” insert “or the occupier cannot be found without the council incurring unreasonable expense”.

(2) After that Article insert—

**“Article 28: supplementary power in relation to owner of land**

**28A.**—(1) Where the grounds in paragraph (2), (3) or (4) are met, a district council may, by notice served on him, require the owner of any land in its district to comply with either or both of the requirements mentioned in paragraph (1)(a) and (b) of Article 28.

(2) The grounds in this paragraph are that it appears to the council that waste has been deposited in or on the land in contravention of Article 4(1) and—

- (a) there is no occupier of the land, or
- (b) the occupier cannot be found without the council incurring unreasonable expense.

(3) The grounds in this paragraph are that—

- (a) the council has served a notice under paragraph (1) of Article 28 imposing a requirement on the occupier of the land,
- (b) the occupier of the land is not the same person as the owner of the land, and
- (c) the occupier has failed to comply with the requirement mentioned in sub-paragraph (a) within the period specified in the notice.

(4) The grounds in this paragraph are that—

- (a) the council has served a notice under paragraph (1) of Article 28 imposing a requirement on the occupier of the land,
- (b) the occupier of the land is not the same person as the owner of the land, and
- (c) the requirement mentioned in sub-paragraph (a) has been quashed on the ground specified in paragraph (3)(a) of that Article.

(5) Paragraphs (2) to (7) of Article 28 apply in relation to requirements imposed under this Article on the owner of the land as they apply in relation to requirements imposed under that Article on the occupier of the land but as if in paragraph (3) there were inserted after sub-paragraph (a)—

- “(aa) in order to comply with the requirement the appellant would be required to enter the land unlawfully; or”.