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STATUTORY INSTRUMENTS

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**2007 No. 611**

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

*Offences relating to deposit, disposal, etc. of waste*

**Investigation and enforcement costs**

6.—(1) After Article 5A of the 1997 Order (inserted by Article 5) insert—

*“Provisions relating to offences under Articles 4 and 5*

**Article 4 and 5 offences: investigation and enforcement costs**

**5B.**—(1) This Article applies where a person is convicted of—

- (a) an offence under Article 4 in respect of a contravention of paragraph (1) of that Article; or
- (b) an offence under Article 5 in respect of a failure to comply with paragraph (1) of that Article.

(2) The court by or before which the offender is convicted may make an order requiring him to pay to the Department a sum which appears to the court not to exceed the costs arising from—

- (a) investigations of the Department which resulted in the conviction; and
- (b) the seizure by the Department under Article 5E of a vehicle involved in the offence.

(3) The costs arising from the seizure of a vehicle as specified in paragraph (2)(b) may include the cost of disposing of the contents of the vehicle.

(4) The power of a court to make an order under this Article is in addition to its power to make an order under section 2 of the Costs in Criminal Cases Act (Northern Ireland) 1968 (award of costs against accused).”

(2) This Article does not have effect in relation to an offence committed before the coming into operation of this Article.