

WASTE (AMENDMENT) (NORTHERN IRELAND) ORDER 2007

S.I. 2007 No. 611 (N.I. 3)

EXPLANATORY MEMORANDUM

OFFENCES RELATING TO DEPOSIT, DISPOSAL ETC. OF WASTE

Article 5 – Failure to furnish documentation: fixed penalty notice

Article 5 of the 1997 Order places a duty on any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker, has control of such waste, to secure a written description of the waste whenever it is transferred. Article 5(7) provides for regulations to be made to require such documents to be retained and furnished.

This Article inserts a new Article 5A into the 1997 Order. The new Article empowers the Department to issue a fixed penalty notice to a person who has failed to comply with a requirement to furnish documents under the regulations, offering him the opportunity to discharge any liability to conviction by payment of a fixed penalty.

The amount of the fixed penalty is set at £300, which may be amended by an order made by the Department. The Department may also make provision for treating the fixed penalty as being paid if a lesser amount is paid during such shorter period as it may specify.