

WASTE (AMENDMENT) (NORTHERN IRELAND) ORDER 2007

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

EXPLANATORY MEMORANDUM

WASTE COLLECTION AND DISPOSAL

Article 12 – Power to require owner of land to remove waste

Under Article 28 of the 1997 Order, district councils have powers to deal with controlled waste unlawfully deposited in their area. Article 28 enables a notice to be served by a district council on the *occupier* of land, requiring him to remove the waste or to take remedial action to eliminate or reduce the consequences of the unlawful deposit.

Article 12 inserts a new Article 28A into the 1997 Order which enables a notice to be served on the *owner* of the land in certain specified circumstances. An occupier or owner can appeal the notice if he neither deposited the waste nor knowingly caused or knowingly permitted its deposit. If an occupier or owner fails to comply with the requirements in a notice, a district council has powers to enter the land, remove the waste or take appropriate remedial action, and recover the associated costs.