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## STATUTORY INSTRUMENTS

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# 1997 No. 2778

## The Waste and Contaminated Land (Northern Ireland) Order 1997

### PART II

#### WASTE ON LAND

##### *Registration of carriers of controlled waste*

#### **[<sup>F1</sup>Duty to produce authority to transport controlled waste**

**42.**—(1) This Article applies where an authorised officer or a constable reasonably believes that controlled waste has been, is being or is about to be transported in contravention of Article 38(1).

(2) The authorised officer or constable may—

- (a) require any person appearing to him to be or to have been engaged in transporting that waste to produce his (or, as the case may be, his employer's) authority to do so;
- (b) search any vehicle that appears to him to be a vehicle that has been, is being or is about to be used for transporting that waste;
- (c) carry out tests on anything found in any such vehicle (including by taking away samples for testing of anything so found);
- (d) seize any such vehicle and any of its contents.

(3) For the purposes of paragraph (2)(a), a person's authority for transporting controlled waste is—

- (a) his certificate of registration as a carrier of controlled waste;
- (b) such copy of that certificate as satisfies requirements prescribed in regulations made by the Department; or
- (c) such evidence as may be so prescribed that he is not required to be registered as a carrier of controlled waste.

(4) Where an authorised officer or constable has required a person to produce an authority under paragraph (2)(a), the person must do so—

- (a) by producing it forthwith to the authorised officer or constable;
- (b) by producing it at a place and within a period specified in regulations made by the Department; or
- (c) by sending it to that place and within that period.

(5) In acting under paragraph (2) an authorised officer or constable may—

- (a) stop any vehicle as referred to in sub-paragraph (b) of that paragraph;
- (b) enter any premises for the purpose specified in sub-paragraph (b) or (d) of that paragraph.

(6) A vehicle or its contents seized under paragraph (2)(d) is seized on behalf of the Department.

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**Changes to legislation:** *The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 42 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (7) A person commits an offence if—
- (a) he fails without reasonable excuse to comply with a requirement imposed under sub-paragraph (a) of paragraph (2);
  - (b) he fails without reasonable excuse to give any assistance that an authorised officer or constable may reasonably request in the exercise of a power under that paragraph;
  - (c) he otherwise intentionally obstructs an authorised officer or constable in the exercise of a power under that paragraph .
- (8) A person is not guilty of an offence by virtue of paragraph (7)(a) unless it is shown—
- (a) that the waste in question was controlled waste; and
  - (b) that the waste was or was being transported to or from a place in Northern Ireland.
- (9) Where an authorised officer or constable has stopped a vehicle under paragraph (5), he may (in addition to any requirement that may be imposed under sub-paragraph (a) of paragraph (2)) require any occupant of the vehicle to give him—
- (a) the occupant's name and address;
  - (b) the name and address of the registered owner of the vehicle;
  - (c) any other information he may reasonably request.
- (10) A person commits an offence if—
- (a) he fails without reasonable excuse to comply with a requirement under paragraph (9);
  - (b) he gives information required under that paragraph that is—
    - (i) to his knowledge false or misleading in a material way, or
    - (ii) given recklessly and is false or misleading in a material way.
- (11) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (12) In this Article and Articles 42A and 42B “authorised officer” means an officer of the Department who is authorised in writing by the Department for the purposes of those Articles.
- (13) Summary proceedings for an offence under paragraph (11) may be instituted at any time within 12 months after the commission of the offence.]

<b>F1</b>	Arts. 42, 42A substituted (11.3.2013) for art. 42 by <a href="#">The Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611)</a> , arts. 1(3), <b>15</b> ; S.R. 2013/33, art. 2(d)
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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 58(1A) inserted by [2011 c. 5 \(N.I.\) s. 8\(3\)](#)
- art. 70(2A)-(2C) inserted by [2011 c. 5 \(N.I.\) s. 9](#)