
STATUTORY INSTRUMENTS

1997 No. 2778

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

PART II

WASTE ON LAND

[^{F1}Provisions relating to offences under Articles 4 and 5

[^{F1}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.

[^{F2}(2) The court by or before which the offender is convicted may make an order requiring him to pay—

- (a) to the Department or a district council a sum which appears to the court not to exceed the costs arising from investigations of the Department or the district council which resulted in the conviction; and
- (b) to the Department a sum which appears to the court not to exceed the costs arising from 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).]

F1 Art. 5B and preceding cross-heading inserted (25.6.2007) by [Waste \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/611 \(N.I. 3\)\)](#), arts. 1(3), **6(1)** (with art. 6(2)); S.R. 2007/294, **art. 2**, Sch.

F2 Art. 5B(2) substituted (2.1.2023) by [Waste and Contaminated Land \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 5\)](#), **ss. 5(3)**, 12; S.R. 2022/289, art. 2(b)

Changes to legislation:

The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 5B is up to date with all changes known to be in force on or before 28 March 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.

[View outstanding changes](#)

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](#)