
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}Power to search and seize vehicles etc

5E.—(1) This Article applies where an authorised officer or a constable reasonably believes that the grounds in paragraph (2) or (3) exist.

(2) The grounds in this paragraph are that—

- (a) an offence under Article 4 or 5 has been committed,
- (b) a vehicle was used in the commission of the offence, and
- (c) proceedings for the offence have not yet been brought against any person.

(3) The grounds in this paragraph are that—

- (a) an offence under Article 4 or 5 is being or is about to be committed, and
- (b) a vehicle is being or is about to be used in the commission of the offence.

(4) The authorised officer or constable may—

- (a) search the vehicle;
- (b) seize the vehicle and any of its contents.

(5) In acting under paragraph (4) the authorised officer or constable may—

- (a) stop the vehicle;
- (b) enter any premises for the purpose of searching or seizing the vehicle.

(6) A vehicle or its contents seized under paragraph (4) are seized on behalf of the Department.

(7) A person commits an offence if—

- (a) 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 paragraph (4) or (5);
- (b) he otherwise intentionally obstructs an authorised officer or constable in exercising that power.

(8) Where an authorised officer or constable has stopped a vehicle under paragraph (5)(a), he may 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;

Changes to legislation: *The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 5E is up to date with all changes known to be in force on or before 18 January 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*

- (c) any other information he may reasonably request.
- (9) A person commits an offence if—
- (a) he fails without reasonable excuse to comply with a requirement under paragraph (8);
 - (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.
- (10) 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.
- (11) In this Article and Article 5F—
- “authorised officer” means an officer of the Department who is authorised in writing by the Department for the purposes of this Article;
 - “vehicle” includes any mobile plant.]

<p>F1 Arts. 5E, 5F inserted (11.3.2013) by Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611 (N.I. 3)), arts. 1(3), 9; S.R. 2013/33, art. 2(b)</p>
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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](#)