
STATUTORY INSTRUMENTS

1997 No. 2778

The Waste and Contaminated Land (Northern Ireland) Order 1997

PART III

CONTAMINATED LAND

Powers of the enforcing authority to carry out remediation

60.—(1) Where this Article applies, the enforcing authority may, in a case falling within sub-paragraph (a) or (b) of Article 53(1), do what is appropriate by way of remediation to the relevant land or waters.

(2) Paragraph (1) shall not confer power on the enforcing authority to do anything by way of remediation if the authority would, in the particular case, be precluded by Article 70 from serving a remediation notice requiring that thing to be done.

(3) This Article applies in each of the following cases, that is to say—

- (a) where the enforcing authority considers it necessary to do anything itself by way of remediation for the purpose of preventing the occurrence of any serious harm, or serious pollution of waterways or underground strata, of which there is imminent danger;
- (b) where an appropriate person has entered into a written agreement with the enforcing authority for that authority to do, at the cost of that person, that which he would otherwise be required to do under this Part by way of remediation;
- (c) where a person on whom the enforcing authority serves a remediation notice fails to comply with any of the requirements of the notice;
- (d) where the enforcing authority is precluded by^{[F1} Article 56A or 57] from including something by way of remediation in a remediation notice;
- (e) where the enforcing authority considers that, were it to do some particular thing by way of remediation, it would decide under paragraph (2) of Article 61 or any guidance issued under that paragraph,—
 - (i) not to seek to recover under paragraph (1) of that Article any of the reasonable cost incurred by it in doing that thing; or
 - (ii) to seek so to recover only a portion of that cost;
- (f) where no person has, after reasonable inquiry, been found who is an appropriate person in relation to any particular thing.

(4) Subject to Article 53(4) and (5), for the purposes of this Article, the things which it is appropriate for the enforcing authority to do by way of remediation are—

- (a) in a case falling within sub-paragraph (a) of paragraph (3), anything by way of remediation which the enforcing authority considers necessary for the purpose mentioned in that sub-paragraph;

Changes to legislation: *The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 60 is up to date with all changes known to be in force on or before 01 February 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*

- (b) in a case falling within sub-paragraph (b) of that paragraph, anything specified in, or determined under, the agreement mentioned in that sub-paragraph;
 - (c) in a case falling within sub-paragraph (c) of that paragraph, anything which the person mentioned in that sub-paragraph was required to do under the remediation notice;
 - (d) in a case falling within sub-paragraph (d) of that paragraph, anything by way of remediation which the enforcing authority is precluded by^{F1} Article 56A or 57] from including in a remediation notice;
 - (e) in a case falling within sub-paragraph (e) or (f) of that paragraph, the particular thing mentioned in the sub-paragraph in question.
- (5) In this Article “the relevant land or waters” means—
- (a) the contaminated land in question;
 - (b) any waterways or underground strata affected by that land; or
 - (c) any land adjoining or adjacent to that land or those waterways or underground strata.

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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](#)