
STATUTORY INSTRUMENTS

1997 No. 2778

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

**PART IV
GENERAL**

[^{F1}Charging schemes

[^{F1}Power to make charging schemes

76A.—(1) As a means of recovering costs incurred by it in performing any functions mentioned in paragraph (2), the Department may require the payment to it of such charges as may be specified in or determined under a scheme made by the Department under this Article (referred to in this Article as a “charging scheme”).

(2) The functions referred to in paragraph (1) are—

(a) functions related to—

(i) Article 4(1); or

(ii) regulation 18(1) of the Waste Management Licensing Regulations (Northern Ireland) 2003;

(b) functions conferred by regulations made under Article 5G;

(c) functions conferred by regulations made under Schedule 4 or 5 to the Environment Act 2021;

(d) functions conferred by the End-of-Life Vehicles Regulations 2003;

(e) functions conferred by the End-of-Life Vehicles (Producer Responsibility) Regulations 2005;

(f) functions conferred by the Waste Batteries and Accumulators Regulations 2009;

(g) functions conferred by the Waste Electrical and Electronic Equipment Regulations 2013;

(h) functions in connection with the regulation of the importation or exportation of waste or the transit of waste for export.

(3) In sub-paragraph (h) of paragraph (2) “importation”, “exportation”, “transit of waste for export” and “waste” have the meaning they have in section 141 of the Environmental Protection Act 1990.

(4) A charging scheme must specify, in relation to any charge prescribed by the scheme, the description of person who is liable to pay the charge.

(5) A charging scheme may—

(a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities;

Changes to legislation: *The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 76A is up to date with all changes known to be in force on or before 11 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*

- (b) provide for the times at which, and the manner in which, charges are to be paid;
 - (c) revoke or amend any previous charging scheme;
 - (d) contain supplemental, incidental, consequential or transitional provision for the purposes of the scheme.
- (6) Before making a charging scheme the Department must consult such persons as appear to the Department to be appropriate.
- (7) The Department must, when it makes or amends a charging scheme—
- (a) lay a copy of the scheme or amendments before the Assembly, and
 - (b) publish the scheme or the amendments.]

F1 [Art. 76A](#) and cross-heading inserted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), **ss. 65(1)**, 147(6) (with [s. 144](#)); [S.R. 2022/54](#), [art. 2\(1\)\(k\)](#)

Modifications etc. (not altering text)

C1 [Art. 76A\(2\)\(c\)](#) modified (temp.) (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), **ss. 65(2)**, 147(6) (with [s. 144](#)); [S.R. 2022/54](#), [art. 2\(1\)\(k\)](#)

Changes to legislation:

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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](#)