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STATUTORY INSTRUMENTS

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**1997 No. 2778**

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

**PART IV  
GENERAL**

*Supplemental*

**Orders, regulations and directions**

**82.**—(1) [<sup>F1</sup>Except as provided by paragraph (1A),] Orders and regulations made by the Department under this Order shall be subject to negative resolution.

[<sup>F2</sup>(1A) No order shall be made under Article 4A(10), 5A(10), 22B(5) or 42B(10) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.]

[<sup>F3</sup>(1B) Paragraph (1) does not apply to regulations made by the Department under Article 5G that—

- (a) are the first set of regulations made under that Article,
- (b) provide for conduct to be a criminal offence which is not a criminal offence under existing regulations under that Article,
- (c) increase the maximum penalty for a criminal offence under existing regulations under that Article,
- (d) provide for conduct to be subject to a civil sanction (within the meaning given by Article 5H(4)) which is not subject to a civil sanction under existing regulations under that Article, [<sup>F4</sup>or]
- (e) amend or repeal a provision contained in Northern Ireland legislation or an Act of Parliament, <sup>F5</sup>...

<sup>F5</sup>(f) .....

(1C) Regulations to which paragraph (1) does not apply by virtue of paragraph (1B) may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.]

[<sup>F6</sup>(1D) Paragraph (1) does not apply to regulations made by the Department under Article 30 that provide for conduct to be subject to a civil sanction (within the meaning given by Article 30(2A)) which is not subject to a civil sanction under existing regulations under that Article.

(1E) Regulations to which paragraph (1) does not apply by virtue of paragraph (1D) may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.]

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**Changes to legislation:** *The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 82 is up to date with all changes known to be in force on or before 08 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. (See end of Document for details) View outstanding changes*

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(2) Any direction given under this Order shall be in writing and may be varied or revoked by subsequent directions.

(3) Paragraphs (4) and (5) apply to any direction given to any body or person under any provision of this Order being a direction to any extent so given for the purpose of implementing any obligations of the United Kingdom under the Community Treaties.

(4) A direction to which this paragraph applies shall not be varied or revoked unless, notwithstanding the variation or revocation, the obligations mentioned in paragraph (3), as they have effect for the time being, continue to be implemented, whether by directions or any other instrument or by any statutory provision.

(5) Any variation or revocation of a direction to which this paragraph applies shall be published in such manner as the Department considers appropriate for the purpose of bringing the matters to which it relates to the attention of persons likely to be affected by them; and—

- (a) copies of the variation or revocation shall be made available to the public; and
- (b) notice of the variation or revocation, and of where a copy of the variation or revocation may be obtained, shall be given in the Belfast Gazette.

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| <b>F1</b> | Words in art. 82(1) inserted (17.10.2011) by <a href="#">Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (c. 5), ss. 11(1), 12(1), Sch. 1 para. 4(a)</a> ; S.R. 2011/312, <a href="#">art. 2</a> , Sch. |
| <b>F2</b> | Art. 82(1A) inserted (17.10.2011) by <a href="#">Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (c. 5), ss. 11(1), 12(1), Sch. 1 para. 4(b)</a> ; S.R. 2011/312, <a href="#">art. 2</a> , Sch.         |
| <b>F3</b> | Art. 82(1B)(1C) inserted (28.2.2022) by <a href="#">Environment Act 2021 (c. 30), ss. 59(3)</a> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(i)  |
| <b>F4</b> | Word in art. 82(1B)(d) inserted (29.6.2023) by <a href="#">Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), Sch. 3 para. 2(a)</a>   |
| <b>F5</b> | Art. 82(1B)(f) and word omitted (29.6.2023) by virtue of <a href="#">Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), Sch. 3 para. 2(b)</a>   |
| <b>F6</b> | Art. 82(1D)(1E) inserted (28.2.2022) by <a href="#">Environment Act 2021 (c. 30), ss. 61(3)</a> , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(j)  |

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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](#)