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STATUTORY INSTRUMENTS

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**1997 No. 2778 (N.I. 19)**

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

- - - - 26th November 1997

**THE WASTE AND CONTAMINATED LAND  
(NORTHERN IRELAND) ORDER 1997**

PART I

INTRODUCTORY

1. Title and commencement
2. General interpretation

PART II

WASTE ON LAND

3. Meaning of “fit and proper person”

*Prohibition on unauthorised or harmful depositing, treatment or disposal of waste*

4. Prohibition on unauthorised or harmful deposit, treatment or disposal, etc., of waste
- 4A Fixed penalty notices for offences under Article 4

*Duty of care, etc., as respects waste*

5. Duty of care, etc., as respects waste
- 5A Fixed penalty notices for certain offences under Article 5(8)

*Provisions relating to offences under Articles 4 and 5*

- 5B Article 4 and 5 offences: investigation and enforcement costs
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- 5D Article 4 and 5 offences: forfeiture of vehicles
- 5E Power to search and seize vehicles etc
- 5F Seizure of vehicles etc: supplementary

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### *Electronic waste tracking*

- 5G Electronic waste tracking
- 5H Further provision about regulations under Article 5G

### *Waste Management Licences*

- 6. Waste management licences: general
- 7. Compensation where rights granted pursuant to Article 6(4) or 12(9)
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- 9. Consultation before the grant of certain licences
- 10. Variation of licences
- 11. Consultation before certain variations
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- 19A Application of public participation procedures
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- 20. Collection of controlled waste
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- 21. Receptacles for household waste
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- 26. Powers for recycling waste
- 27. Power of Department to require waste to be accepted, treated, disposed of or delivered
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- 28A The “appropriate person”
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### *Special waste and non-controlled waste*

- 30. Special provision with respect to certain dangerous or intractable waste
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### *Other controls on substances, articles or waste*

- 32. Power to prohibit or restrict the use, supply or storage of injurious substances or articles
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- 51. Identification and designation of special sites
- 52. Referral of special site decisions to the Planning Appeals Commission
- 53. Duty of enforcing authority to require remediation of contaminated land, etc.
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- 55. Grant of, and compensation for, rights of entry, etc.
- 56. Restrictions and prohibitions on serving remediation notices
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- 58. Appeals against remediation notices
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- 60. Powers of the enforcing authority to carry out remediation
- 61. Recovery of, and security for, the cost of remediation by the enforcing authority
- 62. Special sites
- 63. Registers
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- 65. Exclusion from registers of certain confidential information
- 66. Reports by the Department on the state of contaminated land
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- 69. Supplementary provisions with respect to guidance by the Department
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## PART IV

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#### *Supervision and enforcement*

- 72. Powers of enforcing authorities and persons authorised by them
- 73. Power to deal with cause of imminent danger of serious pollution etc.
- 73A. Power of authorised officers of Department to stop vehicles
- 74. Offences

#### *Evidence*

- 75. Evidence in connection with certain pollution offences

#### *Information*

- 76. Disclosure of information

#### *Charging schemes*

- 76A. Power to make charging schemes

#### *Supplemental*

- 77. Power to give effect to assimilated obligations and other international obligations, etc.
- 78. Offences by bodies corporate
- 79. Offences under this Order due to fault of others
- 80. Application to Crown
- 81. Financial provision
- 82. Orders, regulations and directions
- Article 83—Amendments and repeals

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## SCHEDULES

### SCHEDULE 1 —

- 1. Production or consumption residues not otherwise specified below.
- 2. Off-specification products.
- 3. Products whose date for appropriate use has expired.
- 4. Materials spilled, lost or having undergone other mishap, including any materials, equipment,
- 5. Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations,
- 6. Unusable parts (e.g. reject batteries, exhausted catalysts,
- 7. Substances which no longer perform satisfactorily (e.g. contaminated acids, contaminated solvents, exhausted tempering salts,
- 8. Residues of industrial processes (e.g. slags, still bottoms,
- 9. Residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts, spent filters,
- 10. Machining or finishing residues (e.g. lathe turnings, mill scales,

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11. Residues from raw materials extraction and processing (e.g. mining residues, oil field slops,
12. Adulterated materials (e.g. oils contaminated with PCBs,
13. Any materials, substances or products whose use has been banned by law.
14. Products for which the holder has no further use (e.g. agricultural, household, office, commercial and
15. Contaminated materials, substances or products resulting from remedial action with respect to land.
16. Any materials, substances or products which are not contained in the above categories.

## SCHEDULE 2 — APPEALS AND DECISIONS REFERRED TO THE PLANNING APPEALS COMMISSION

### PART I — APPEALS UNDER ARTICLE 17, 41 OR 58

1. This paragraph applies to an appeal to the Planning Appeals Commission (“the Commission”) under

### PART II — APPEALS UNDER ARTICLE 36 OR 65

2. This paragraph applies to an appeal to the Planning Appeals Commission under Article 36(5) or

### PART III — DECISIONS REFERRED UNDER ARTICLE 52

4. This paragraph applies where, in accordance with paragraph (1) of Article 52, a district council

## SCHEDULE 3 — THE WASTE MANAGEMENT PLAN

### Part 1 — Objectives

1. Overall objective
2. Application of the waste hierarchy
3. Protection of human health and the environment
4. Principles of self-sufficiency and proximity

### Part 2 — Matters which must be included in the waste management plan

5. Analysis of the current waste management situation etc.
6. General policies in relation to waste and litter
7. Policies in relation to packaging waste
8. Policies in relation to separate collection of waste
9. Policies in relation to bio-waste
10. Policies in relation to preparing for re-use
11. Policies in relation to recycling targets and landfill reduction targets

### Part 3 — Matters which may be included in the waste management plan

12. The waste management plan may include provision about any of the following, taking into account

### Part 4 — Examples of economic instruments and other measures to provide incentives for the application of the waste hierarchy

13. The economic instruments and other measures referred to in paragraph 2(3) are—

## SCHEDULE 4 — SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY

### — Interpretation

#### *Interpretation*

1. In this Schedule “relevant power” means a power conferred by Article 72, including a power

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*Issue of warrants*

2. If it is shown to the satisfaction of a justice of the peace on complaint

*Information obtained to be admissible in evidence*

3. Subject to Article 72(9), information obtained in consequence of the exercise of a relevant power,

*Duty to secure premises*

4. An authorised person who, in the exercise of a relevant power, enters on any premises

*Compensation*

5. Where an authorised person exercises any power conferred by Article 72(2) (a) or (b) or (3),

— Schedule 5—Amendments

— Schedule 6—Repeals

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**Changes and effects yet to be applied to :**

- Sch. 3 para. 9(b) words omitted by [S.I. 2019/584 reg. 14\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Words to be omitted are not contained in Sch. 3 substituted (18.12.2020) by S.R. 2020/285, reg. 2(7))
- art. 49(1) word inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(b\)](#)
- art. 49(1) words added by [2011 c. 5 \(N.I.\) s. 7\(2\)\(c\)](#)
- art. 49(1) words substituted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(a\)](#)
- art. 49(2)(a) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(d\)\(i\)](#)
- art. 49(2)(b) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(d\)\(ii\)](#)
- art. 49(2)(c) repealed by [2011 c. 5 \(N.I.\) s. 7\(2\)\(d\)\(iii\)](#) Sch. 2
- art. 49(3) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(e\)\(iii\)](#)
- art. 49(3)(a) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(e\)\(i\)](#)
- art. 49(3)(b) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(e\)\(ii\)](#)
- art. 49(4) words substituted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(f\)](#)
- art. 51(9)(a)(ii) words substituted by [2011 c. 5 \(N.I.\) s. 7\(3\)\(a\)](#)
- art. 51(9)(b) word inserted by [2011 c. 5 \(N.I.\) s. 7\(3\)\(b\)](#)
- art. 53(4)(b) words inserted by [2011 c. 5 \(N.I.\) s. 7\(4\)](#)
- art. 57(3)(4) words substituted by [2011 c. 5 \(N.I.\) s. 7\(5\)](#)
- art. 58(1) words substituted by [2011 c. 5 \(N.I.\) s. 8\(2\)](#)
- art. 58(3) words substituted by [2011 c. 5 \(N.I.\) s. 8\(4\)](#)
- art. 58(4) words substituted by [2011 c. 5 \(N.I.\) s. 8\(5\)](#)
- art. 58(5) words substituted by [2011 c. 5 \(N.I.\) s. 8\(6\)](#)
- art. 68(1) words substituted by [2011 c. 5 \(N.I.\) s. 7\(6\)\(a\)\(ii\)](#)
- art. 68(1)(b) substituted by [2011 c. 5 \(N.I.\) s. 7\(6\)\(a\)\(i\)](#)
- art. 68(2) words substituted by [2011 c. 5 \(N.I.\) s. 7\(6\)\(b\)](#)
- art. 70(1)(b) word inserted by [2011 c. 5 \(N.I.\) s. 7\(7\)](#)
- art. 70(2) word inserted by [2011 c. 5 \(N.I.\) s. 7\(7\)](#)
- art. 72(13) words inserted by [2011 c. 5 \(N.I.\) Sch. 1 para. 2](#)
- art. 76(1) words substituted by [2011 c. 5 \(N.I.\) Sch. 1 para. 3](#)

**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](#)