
STATUTORY INSTRUMENTS

1997 No. 2778

The Waste and Contaminated Land (Northern Ireland) Order 1997

PART II

WASTE ON LAND

Special waste and non-controlled waste

Special provision with respect to certain dangerous or intractable waste

30.—(1) If the Department considers that controlled waste of any kind is or may be so dangerous or difficult to treat, keep or dispose of that special provision is required for dealing with it, [^{F1}the Department may, by regulations, make provision for, about or connected with the regulation] of waste of that kind (in this Article referred to as “ [^{F2}hazardous waste]”).

(2) Without prejudice to the generality of paragraph (1), the regulations may include provision—

- [^{F3}(za) prohibiting or restricting the treatment, keeping or disposal of hazardous waste or any other activity in relation to such waste;]
- (a) for the giving of directions by the Department with respect to matters connected with the treatment, keeping or disposal of [^{F2}hazardous waste][^{F4}or any other activity in relation to such waste];
 - (b) for securing that [^{F2}hazardous waste] is not, while awaiting treatment or disposal in pursuance of the regulations, kept at any one place in quantities greater than those which are prescribed and in circumstances which differ from those which are prescribed;
 - (c) in connection with requirements imposed on consignors or consignees of [^{F2} hazardous waste], imposing, in the event of non-compliance, requirements on any person carrying the consignment to re-deliver it as directed;
 - (d) for requiring the occupier of premises on which [^{F2} hazardous waste] is situated to give notice of that fact and other prescribed information to a prescribed body;
 - (e) for the making and retention of records by the Department and by persons who import, export, carry, produce, keep, treat or dispose of [^{F2} hazardous waste], either directly or as a broker [^{F5}or dealer], or deliver it to another person for keeping, treatment or disposal, for the inspection of the records and for the furnishing by such persons to the Department of copies of or information derived from the records;
 - (f) for the keeping in the register under Article 34(1) of copies of such of those records, or such information derived from those records, as may be prescribed;
 - (g) providing that a contravention of the regulations shall be an offence and prescribing the maximum penalty for the offence, which shall not exceed, on summary conviction, a fine

Changes to legislation: *The Waste and Contaminated Land (Northern Ireland) Order 1997, Cross Heading: Special waste and non-controlled waste is up to date with all changes known to be in force on or before 12 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*

at level 5 on the standard scale and, on conviction on indictment, imprisonment for a term of 2 years or a fine or both.

[^{F6}(h) for, about or connected with the imposition of civil sanctions.]

[^{F7}(2A) For the purposes of this Article “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).

(2B) The regulations may include provision for, about or connected with the imposition of a sanction of that kind whether or not—

- (a) the conduct in respect of which the sanction is imposed constitutes an offence, or
- (b) the person imposing it is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008.]

(3) Without prejudice to the generality of paragraph (1), the regulations may include provision—

- (a) for the supervision by the Department—
 - (i) of activities authorised under the regulations or of activities by virtue of carrying on which persons are subject to provisions of the regulations, or
 - (ii) of persons who carry on activities authorised by virtue of the regulations or who are subject to provisions of the regulations,
 and for the recovery from persons falling within head (ii) of the costs incurred by the Department in performing functions conferred upon the Department by the regulations;
- (b) as to the recovery of expenses or other charges for the treatment, keeping or disposal or the re-delivery of [^{F2} hazardous waste] under the regulations;
- (c) as to appeals from decisions of the Department under the regulations to the Planning Appeals Commission for determination.

[^{F8}(3A) The regulations may make consequential, supplementary, incidental, transitional or saving provision.]

(4) ^{F9}

F1	Words in art. 30(1) substituted (28.2.2022) by Environment Act 2021 (c. 30), ss. 61(2)(a), 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(j)
F2	SR 2005/300
F3	Art. 30(2)(za) inserted (28.2.2022) by Environment Act 2021 (c. 30), ss. 61(2)(b)(i), 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(j)
F4	Words in art. 30(2)(a) inserted (28.2.2022) by Environment Act 2021 (c. 30), ss. 61(2)(b)(ii), 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(j)
F5	Words in art. 30(2)(e) inserted (8.4.2011) by Waste Regulations (Northern Ireland) 2011 (S.R. 2011/127), regs. 1(1), 6(1)(a) (with reg. 9(2))
F6	Art. 30(2)(h) inserted (28.2.2022) by Environment Act 2021 (c. 30), ss. 61(2)(b)(iii), 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(j)
F7	Art. 30(2A)(2B) inserted (28.2.2022) by Environment Act 2021 (c. 30), ss. 61(2)(c), 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(j)
F8	Art. 30(3A) inserted (28.2.2022) by Environment Act 2021 (c. 30), ss. 61(2)(d), 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(j)
F9	Art. 30(4) repealed (8.4.2011) by Waste Regulations (Northern Ireland) 2011 (S.R. 2011/127), regs. 1(1), 6(1)(b) (with reg. 9(2))

Waste other than controlled waste

31.—(1) ^{F10}

(2) A person who deposits, or knowingly causes or knowingly permits the deposit of, any waste—

(a) which is not controlled waste, but

(b) which, if it were controlled waste, would be^{F11} hazardous waste],

in a case where he would be guilty of an offence under Article 4 if the waste were^{F11} hazardous waste] and any management licence were not in force, shall, subject to paragraph (3), be guilty of that offence and punishable as if the waste were^{F11} hazardous waste].

(3) No offence is committed under paragraph (2) if the act charged was done under and in accordance with any consent, licence, approval or authority granted under any statutory provision (excluding any planning permission under the ^{F12}Planning Act (Northern Ireland) 2011] .)

(4) ^{F10}

F10 Art. 31(1)(4) repealed (31.7.2006) by [S.R. 2006/280, reg. 2\(8\)](#)

F11 SR 2005/300

F12 Words in art. 31(3) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 6 para. 87](#) (with [s. 211](#)); [S.R. 2015/49, arts. 2, 3, Sch. 1](#) (with [Sch. 2](#) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#)))

Changes to legislation:

The Waste and Contaminated Land (Northern Ireland) Order 1997, Cross Heading: Special waste and non-controlled waste is up to date with all changes known to be in force on or before 12 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.

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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](#)