
STATUTORY INSTRUMENTS

1997 No. 2778

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

PART IV

GENERAL

Supplemental

Power to give effect to [^{F1}[^{F2}assimilated] obligations] and other international obligations, etc.

77.—(1) Regulations may provide that the provisions of Part II shall have effect with such modifications as may be prescribed for the purpose of enabling Her Majesty's Government in the United Kingdom—

- (a) to give effect to any [^{F3}[^{F4}assimilated] obligation] or exercise any related right; or
- (b) to give effect to any obligation or exercise any related right under any international agreement to which the United Kingdom is for the time being a party.

(2) In this Article—

“regulations”

- (a) in relation to any [^{F5}[^{F6}assimilated] obligation] , means regulations made by the Department; and
- (b) in relation to any international agreement, means regulations made by the Secretary of State;

“related right”, in relation to an obligation, includes any derogation or other right to make more onerous provisions available in respect of that obligation.

(3) Regulations under this Article made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament in the like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

F1 Words in art. 77 heading heading substituted (31.12.2020) by [The Environment \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/584\)](#), regs. 1, **13(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F2 Word in art. 77 heading substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 40(3)**

F3 Words in art. 77(1)(a) substituted (31.12.2020) by [The Environment \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/584\)](#), regs. 1, **13(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F4 Word in art. 77(1)(a) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 40(3)**

Changes to legislation: *The Waste and Contaminated Land (Northern Ireland) Order 1997, Cross Heading:*

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| F5 | Words in art. 77(2)(a) substituted (31.12.2020) by The Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/584) , regs. 1, 13(c) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F6 | Word in art. 77(2) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424) , reg. 1(2), Sch. para. 40(3) |

Offences by bodies corporate

78. For the purposes of this Order section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Offences under this Order due to fault of others

79. Where the commission by any person of an offence under this Order is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this Article whether or not proceedings for the offence are taken against the first-mentioned person.

Application to Crown

80.—(1) Subject to the provisions of this Article, the provisions of this Order and of regulations and orders made under it shall bind the Crown including the Crown in right of Her Majesty's Government in the United Kingdom.

(2) No contravention by the Crown of any provision of this Order or of any regulations or order made under it shall make the Crown criminally liable; but the High Court may, on the application of the Department, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Notwithstanding anything in paragraph (2), the provisions of this Order and of regulations and orders made under it shall apply to persons in the public service of the Crown as they apply to other persons.

(4) If the Secretary of State certifies that it appears to him, as respects any Crown premises and any power of entry exercisable in relation to them specified in the certificate that it is requisite or expedient that, in the interests of national security, the powers should not be exercisable in relation to those premises, those powers shall not be exercisable in relation to those premises; and in this paragraph “Crown premises” means premises held or used by or on behalf of the Crown.

Financial provision

81. Any fees or other sums received by the Department under any provisions of this Order shall be paid into the Consolidated Fund.

Orders, regulations and directions

82.—(1) [^{F7}Except as provided by paragraph (1A),] Orders and regulations made by the Department under this Order shall be subject to negative resolution.

[^{F8}(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.]

[^{F9}(1B) Paragraph (1) does not apply to regulations made by the Department under Article 5G that—

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- (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, ^{F10}or]
- (e) amend or repeal a provision contained in Northern Ireland legislation or an Act of Parliament, ^{F11}...

^{F11}(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.]

^{F12}(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.]

(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.

F7	Words in art. 82(1) inserted (17.10.2011) by Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (c. 5) , ss. 11(1), 12(1), Sch. 1 para. 4(a) ; S.R. 2011/312, art. 2 , Sch.
F8	Art. 82(1A) inserted (17.10.2011) by Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (c. 5) , ss. 11(1), 12(1), Sch. 1 para. 4(b) ; S.R. 2011/312, art. 2 , Sch.
F9	Art. 82(1B)(1C) inserted (28.2.2022) by Environment Act 2021 (c. 30) , ss. 59(3) , 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(i)
F10	Word in art. 82(1B)(d) inserted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28) , s. 22(1)(d), Sch. 3 para. 2(a)
F11	Art. 82(1B)(f) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28) , s. 22(1)(d), Sch. 3 para. 2(b)

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F12 Art. 82(1D)(1E) inserted (28.2.2022) by Environment Act 2021 (c. 30), ss. 61(3), 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(j)

Article 83—Amendments and repeals

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](#)