

WASTE (AMENDMENT) (NORTHERN IRELAND) ORDER 2007

S.I. 2007 No. 611 (N.I. 3)

EXPLANATORY MEMORANDUM

OFFENCES RELATING TO DEPOSIT, DISPOSAL ETC. OF WASTE

Article 9 – Power to search and seize vehicles

This Article inserts new Articles 5E and 5F into the 1997 Order. The new Articles empower an authorised officer or a constable to stop, search and seize a vehicle (and its contents) where it is reasonably believed that the vehicle has been, is being, or is about to be, used in the commission of an offence under Articles 4 or 5 of the 1997 Order. A vehicle or its contents seized by a constable are seized on behalf of the Department.

The Article also creates two new offences. Firstly, intentionally obstructing, or otherwise failing to assist, an authorised officer or a constable. Secondly, failure, without reasonable excuse, to provide accurate information about the owner of the vehicle, or any other information that may reasonably be requested. Any such offence is punishable on summary conviction by a fine not exceeding level 5 on the standard scale (currently £5,000).

The Article also requires the Department to make regulations specifying how it must deal with any seized property.