

2003 No. 489 (C. 38)

ENVIRONMENTAL PROTECTION

**The Waste and Contaminated Land (1997 Order)
(Commencement No. 7) Order (Northern Ireland) 2003**

Made - - - - - 27th November 2003

The Department of the Environment, in exercise of the powers conferred on it by Article 1(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997(a), paragraph 11(2) of Schedule 12 to the Northern Ireland Act 1998(b) and paragraph 4(1)(b) of the Schedule to the Northern Ireland Act 2000(c) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Waste and Contaminated Land (1997 Order) (Commencement No. 7) Order (Northern Ireland) 2003.

(2) In this Order –

“the 1978 Order” means the Pollution Control and Local Government (Northern Ireland) Order 1978(d);

“the 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997;

“appointed day” means the day specified in Article 2; and

“appropriate date” in relation to an appeal means the date on which –

- (a) the period for appealing expires without an appeal being made;
- (b) any appeal is withdrawn;
- (c) the appeal is determined in a case where the appeal is dismissed; or
- (d) effect is given to the determination of the appeal in a case where the appeal is allowed.

Appointed Day

2. The day appointed for the coming into operation of the provisions of the 1997 Order specified in the Schedule shall be 27th November 2003 save for the purposes of its application to an activity in respect of which on that date an appeal in pursuance of sub-paragraphs (a), (b), (c) or (d) of Article 12(1) of the 1978 Order (appeals to the Department of the Environment from decisions with respect to licences) is pending or where the period for making such an appeal has not expired.

(a) S.I. 1997/2778 (N.I. 19)
(b) 1998 c. 47
(c) 2000 c. 1
(d) S.I. 1978/1049 (N.I. 19)

Provisions coming into operation after the appointed day

3. The provisions specified in the Schedule shall come into operation for the purpose of their application to an activity falling within Article 2, on the day immediately following the appropriate date in relation to the appeal in question.

Sealed with the Official Seal of the Department of the Environment on 27th November 2003.

(L.S.)

Judena Goldring

A Senior Officer of the Department of the Environment

SCHEDULE

Article 2

PROVISIONS OF THE 1997 ORDER FOR WHICH (SUBJECT TO ARTICLE 3) 27th NOVEMBER 2003 IS APPOINTED AS THE DAY OF COMING INTO OPERATION

<i>Provisions of the 1997 Order</i>	<i>Subject Matter</i>
Article 2(2) (in so far as it relates to the definitions of “licence”, “mobile plant licence”, “modifications”, “site licence”, “statutory provision”, “company” and “formed”), (4), (5) and (9)	Interpretation
Article 3(1), (2), (3)(a) to the extent that it is not already in force, (3)(b) and (c), (4), (5) and (6) to the extent that it is not already in force	Meaning of “fit and proper person”
Article 4(1)(a) and (b) and (5) and to the extent that they are not already in force (2) to (4) and (6) to (9)	Prohibition on unauthorised or harmful deposit, treatment or disposal, etc. of waste
Article 6(1) to (3) and (5) to (10)	Waste management licences: general
Article 8	Grant of licences
Article 10(1) to (5)	Variation of licences
Article 12(1) to (8) and (12) to (15)	Revocation and suspension of licences
Article 13	Surrender of licences
Article 14	Transfer of licences
Article 15	Fees and charges for licences
Article 16	Supervision of licensed activities
Article 17	Appeals from decisions with respect to licences
Article 18	Offences of making false or misleading statements or false entries
Article 24	Payments for recycling and disposal, etc, of waste
Article 27	Power of Department to require waste to be accepted, treated, disposed of or delivered
Article 28	Powers to require removal of waste unlawfully deposited
Article 31	Waste other than controlled waste
Article 34(1) to (3) and (5) to (7) (to the extent that it is not already in operation)	Public registers
Article 35 (to the extent that it is not already in operation)	Exclusion from registers of information affecting national security
Article 36	Exclusion from registers of certain confidential information
Article 37	Annual reports
Article 43 (to the extent that it is not already in operation)	Seizure and disposal of vehicles used for illegal waste disposal
Article 45(4) to (7)	Provisions relating to legal proceedings and civil liability
Article 47(1) (to the extent that it is not already in operation) and (2)	Transitional provisions with respect to licences
Article 75 (to the extent that it is not already in operation)	Evidence in connection with certain pollution offences
Part I of Schedule 2 (in so far as it relates to appeals under Article 17)	Appeals and decisions referred to the Planning Appeals Commission
Part II of Schedule 2 (in so far as it relates to appeals under Article 36)	Appeals and decisions referred to the Planning Appeals Commission

<i>Provisions of the 1997 Order</i>	<i>Subject Matter</i>
Paragraphs 2 and 3 of Schedule 5 and Article 83(1) (in so far as it relates to those paragraphs)	Amendments to the Pollution Control and Local Government (Northern Ireland) Order 1978
Paragraph 5 of Schedule 5 and Article 83(1) (in so far as it relates to it)	Amendment to the Environmental Protection Act 1990
Paragraph 6 of Schedule 5 and Article 83(1) (in so far as it relates to it)	Amendment to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992
Paragraph 8 of Schedule 5 and Article 83(1) (in so far as it relates to it)	Amendment to the Industrial Pollution Control (Northern Ireland) Order 1997
The following repeals in Schedule 6 and Article 83(2) in so far as it relates to those repeals – In the Pollution Control and Local Government (Northern Ireland) Order 1978 – Articles 3, 5 to 13, 16 and 18; in Article 36(1) the definitions of “disposal licence” and “relevant land”; Article 36(2) to (4); Article 85; in Article 86 the words “Subject to Article 18(4)”. Paragraphs 17 to 21, 23 and 24 of Schedule 3 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 In Schedule 5 to the Planning (Northern Ireland) Order 1991, in the entry relating to the Pollution Control and Local Government (Northern Ireland) Order 1978, the words “7(2), 18(2)” Paragraph 18 of Schedule 12 to the Electricity (Northern Ireland) Order 1992 In Schedule 6 to the Gas (Northern Ireland) Order 1996, the entry relating to the Pollution Control and Local Government (Northern Ireland) Order 1978 In the Waste and Contaminated Land (Northern Ireland) Order 1997– in Article 43(1)(a)(i) the words from “or under” to “waste”; and in Article 72(12), in the definition of “enforcing authority” sub-paragraph (c) and in the definition of “pollution control statutory provisions” sub-paragraph (b)(ii)	Repeals

EXPLANATORY NOTE

(This note is not part of the Regulations.)

This Order brings into operation on 27th November 2003 certain provisions of the Waste and Contaminated Land (Northern Ireland) Order 1997 (“the 1997 Order”) which will enable the Department to make regulations relating to waste management licensing. The Order also brings into operation certain miscellaneous provisions of the 1997 Order.

The Order also repeals those parts of the Pollution Control and Local Government (Northern Ireland) Order 1978 which are to be replaced by the 1997 Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Regulations.)

The following provisions of the Waste and Contaminated Land (Northern Ireland) Order 1997 have been brought into operation by earlier commencement orders as from the dates shown.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 1	17th September 1998	S.R. 1998 No. 288 (C. 11)
Article 2(1), (2) (partially), (3), (7) and (8)	17th September 1998	S.R. 1998 No. 288 (C. 11)
Article 2(2) (partially) and (6)	1st December 1998	S.R. 1998 No. 390 (C. 18)
Article 2(2) (partially)	19th August 1999	S.R. 1999 No. 325 (C. 24)
Article 2(2) (partially)	6th October 1999	S.R. 1999 No. 373 (C. 29)
Article 2(2) (partially)	1st March 2001	S.R. 2001 No. 40 (C. 2)
Article 3(3)(a) and 3(6) (both paragraphs for the purposes of Article 40(5))	19th August 1999	S.R. 1999 No. 325 (C. 24)
Article 4(1)(c) and (2), (3), (4) and (6) to (9) in so far as they relate to it	1st March 2001	S.R. 2001 No. 40 (C. 2)
Article 5 (in so far as it relates to the definition of “broker”)	17th September 1998	S.R. 1998 No. 288 (C. 11)
Article 5 (in so far as it is not already in operation)	3rd June 2002	S.R. 2002 No. 185 (C. 18)
Article 19	1st December 1998	S.R. 1998 No. 390 (C. 18)
Articles 20 to 23	6th October 1999	S.R. 1999 No. 373 (C. 29)
Articles 25 and 26	6th October 1999	S.R. 1999 No. 373 (C. 29)
Article 29	6th October 1999	S.R. 1999 No. 373 (C. 29)
Article 30	17th September 1998	S.R. 1998 No. 288 (C. 11)
Article 32	1st December 1998	S.R. 1998 No. 390 (C. 18)
Article 33	1st December 1998	S.R. 1998 No. 390 (C. 18)
Articles 34 and 35 (both Articles for the purposes of Article 39(7))	19th August 1999	S.R. 1999 No. 325 (C. 24)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 38(1), (2), (4), (5) and (6)	11th March 2000	S.R. 1999 No. 325 (C. 24)
Article 38(3)	19th August 1999	S.R. 1999 No. 325 (C. 24)
Articles 39 to 41	19th August 1999	S.R. 1999 No. 325 (C. 24)
Article 42(1) to (7)	11th March 2000	S.R. 1999 No. 325 (C. 24)
Article 42(8)	19th August 1999	S.R. 1999 No. 325 (C. 24)
Article 43 (partially)	19th August 1999	S.R. 1999 No. 325 (C. 24)
Article 44 (in so far as it relates to the Department)	17th September 1998	S.R. 1998 No. 288 (C. 11)
Article 44 (to the extent that it is not already in operation)	6th October 1999	S.R. 1999 No. 373 (C. 29)
Article 45(1), (2) and (3)	6th October 1999	S.R. 1999 No. 373 (C. 29)
Articles 46 and 47(1) (in so far as it relates to “existing disposal plans”) and (4)	6th October 1999	S.R. 1999 No. 373 (C. 29)
Article 47(1) (in so far as it relates to “existing resolution of a district council”) and (3)	1st March 2001	S.R. 2001 No. 40 (C. 2)
Article 48	17th September 1998	S.R. 1998 No. 288 (C. 11)
Articles 72 to 74	1st March 2001	S.R. 2001 No. 40 (C. 2)
Article 75 (in so far as it relates to Article 39)	1st March 2001	S.R. 2001 No. 40 (C. 2)
Article 76	17th September 1998	S.R. 1998 No. 288 (C. 11)
Article 77	6th October 1999	S.R. 1999 No. 373 (C. 29)
Articles 78 to 82	17th September 1998	S.R. 1998 No. 288 (C. 11)
Schedule 1	1st December 1998	S.R. 1998 No. 390 (C. 18)
Schedule 2 (partially)	19th August 1999	S.R. 1999 No. 325 (C. 24)
Schedule 3	1st December 1998	S.R. 1998 No. 390 (C. 18)
Schedule 4	1st March 2001	S.R. 2001 No. 40 (C. 2)
Paragraph 4 of Schedule 5 and Article 83(1) (in so far as it relates to it)	17th September 1998	S.R. 1998 No. 288 (C. 11)
Paragraph 7 of Schedule 5 and Article 83(1) (in so far as it relates to it)	1st March 2001	S.R. 2001 No. 40 (C. 2)
Schedule 6 (partially) and Article 83(2) (partially)	17th September 1998	S.R. 1998 No. 288 (C. 11)
Schedule 6 (partially) and Article 83(2) (partially)	6th October 1999	S.R. 1999 No. 373 (C. 29)

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