STATUTORY RULES OF NORTHERN IRELAND

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(**1**), paragraph 11(2) of Schedule 12 to the Northern Ireland Act 1998(**2**) and paragraph 4(1)(b) of the Schedule to the Northern Ireland Act 2000(**3**) 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(**4**);

"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(b) any appeal is withdrawn;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

(**1**) S.I.1997/2778 (N.I. 19)
(**2**) 1998 c. 47
(**3**) 2000 c. 1
(**4**) S.I. 1978/1049 (N.I. 19)

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.

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.

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

Provisions of the 1997 Order	*Subject Matter*
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