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STATUTORY INSTRUMENTS

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**1997 No. 2778**

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

**PART II**

**WASTE ON LAND**

*Prohibition on unauthorised or harmful depositing, treatment or disposal of waste*

**Prohibition on unauthorised or harmful deposit, treatment or disposal, etc., of waste**

- 4.—(1) Subject to paragraphs (2) and (3) a person shall not—
- (a) deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence;
  - (b) treat, keep or dispose of controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of—
    - (i) in or on any land, or
    - (ii) by means of any mobile plant,except under and in accordance with a waste management licence;
  - (c) treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.
- (2) Paragraph (1) does not apply in relation to household waste from a domestic property which is treated, kept or disposed of within the curtilage of the dwelling by or with the permission of the occupier of the dwelling.
- (3) Paragraph (1)(a), (b) or (c) do not apply in prescribed cases.
- (4) When making regulations under paragraph (3) the Department shall have regard in particular to the expediency of excluding from the controls imposed by waste management licences—
- (a) any deposits which are small enough or of such a temporary nature that they may be so excluded;
  - (b) any means of treatment or disposal which are innocuous enough to be so excluded;
  - (c) cases for which adequate controls are provided by another statutory provision.
- (5) Where controlled waste is carried in and deposited from a vehicle, the person who controls or is in a position to control the use of the vehicle shall, for the purposes of paragraph (1)(a), be treated as knowingly causing the waste to be deposited whether or not he gave any instructions for this to be done.
- (6) A person who contravenes paragraph (1) or any condition of a waste management licence shall be guilty of an offence.

- (7) It shall be a defence for a person charged with an offence under this Article to prove—
- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; or
  - (b) that he acted under instructions from his employer and neither knew nor had reason to suppose that the acts done by him constituted a contravention of paragraph (1); or
  - (c) that the acts alleged to constitute the contravention were done in an emergency in order to avoid danger to human health in a case where—
    - (i) he took all such steps as were reasonably practicable in the circumstances for minimising pollution of the environment and harm to human health; and
    - (ii) particulars of the acts were furnished to the Department as soon as reasonably practicable after they were done.
- (8) Except in a case falling within paragraph (9), a person guilty of an offence under this Article shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000 or to both; and
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both.
- (9) A person guilty of an offence under this Article in relation to special waste shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000 or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine or to both.