
STATUTORY INSTRUMENTS

2007 No. 611

The Waste (Amendment) (Northern Ireland) Order 2007

Offences relating to deposit, disposal, etc. of waste

Clean-up costs

7.—(1) After Article 5B of the 1997 Order (inserted by Article 6) insert—

“Article 4 offences: clean-up costs

5C.—(1) Paragraph (2) applies where a person is convicted of an offence under Article 4 in respect of a contravention of paragraph (1) of that Article consisting of the deposit or disposal of controlled waste.

(2) The reference in Article 14(1) of the Criminal Justice (Northern Ireland) Order 1994 (compensation orders) to loss or damage resulting from the offence includes costs incurred or to be incurred by the owner or occupier of the land, the Department or a district council in—

- (a) removing the waste deposited or disposed of in or on the land;
- (b) taking other steps to eliminate or reduce the consequences of the deposit or disposal;
or
- (c) both.

(3) Subject to paragraph (4), in relation to the costs referred to in paragraph (2), the reference in Article 14(11) of the Criminal Justice (Northern Ireland) Order 1994 (limit on amount payable) to £5000 is instead to be construed as a reference to the amount of those costs (or, if the costs have not yet been incurred, the likely amount).

(4) Paragraph (3) does not apply where a person (other than an establishment or undertaking) is convicted of a relevant offence within the meaning of Article 4.”

(2) This Article does not have effect in relation to an offence committed before the coming into operation of this Article.