

## Attwood introduces stronger powers to deal with illegal waste



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In order to combat what he has described as 'a major problem in Northern Ireland', Environment Minister, Alex Attwood, has introduced a number of stronger powers to deal with illegal waste activity. It is intended that not only will these new powers strengthen the Department of Environment's waste management licensing powers but, they will also act as a deterrent, preventing any further environmental damage. These new tougher measures came into force on Monday, 17<sup>th</sup> October 2011 and are implemented through a number of new provisions in The Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011.

A key new power introduced under the Act is that departmental enforcement officers will no longer be required to give 24 hours notice before entering residential premises or before bringing heavy equipment on to property of those suspected of committing waste crimes. It is hoped that this new power will prevent people concealing illegal waste activity by reducing the opportunity for destruction or removal of evidence. Despite this new power, Alex Attwood has however assured that safeguards will remain in place for the public as officials will be required to obtain a court warrant before they can enter property without giving notice. Furthermore, the court will have to be satisfied that such action is necessary.

In addition to the new power granted to departmental enforcement officers, two new offences relating to the non-payment of fees for waste management licences have also been created. These take the form of an offence for the failure to pay subsistence fees and a further offence for continued non-payment following conviction of such an offence. The penalty imposed in both circumstances is a fine, with the maximum fine for non-payment totalling level 5 on the standard scale (currently £5000) and any additional fine not exceeding one tenth of level 5 for each day on which the offence is continued. It is hoped by Alex Attwood that the introduction of this new measure 'will level the playing field for the legitimate waste industry' as it will prevent those who do not pay from gaining any financial advantage over those who are fully compliant.

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