SCHEDULES

SCHEDULE 4

Article 35(1).

CONSEQUENTIAL AMENDMENTS

The Public Health (Ireland) Act 1878 (c. 52)

1. At the end of section 108 add "; but a district council shall not, without the consent of the Department of the Environment, institute proceedings under this Part in respect of a nuisance to which section 107 applies by virtue of paragraph (4) or (7) of that section or Article 23 of the Clean Air (Northern Ireland) Order 1981, if proceedings in respect thereof might be instituted under the Alkali, &c. Works Regulation Act 1906 or the Industrial Pollution Control (Northern Ireland) Order 1997".

The Alkali, &c. Works Regulation Act 1906 (c. 14)

2. For section 24A substitute—

"**24A Relation to Industrial Pollution Control Order.**

(1) The preceding provisions of this Act shall not apply to any process which is a prescribed process as from the date which is the determination date for that process.

(2) The "determination date" for a prescribed process is—

(a) in the case of a process for which an authorisation is granted, the date on which the enforcing authority grants it, whether in pursuance of the application or, on an appeal, of a direction to grant it;

(b) in the case of a process for which an application is refused, the date of the refusal or, on an appeal, of the affirmation of the refusal.

(3) In this section "authorisation", "enforcing authority" and "prescribed process" have the meaning given in Article 2 of the Industrial Pollution Control (Northern Ireland) Order 1997 and the reference to an appeal is a reference to an appeal under Article 15 of that Order.".

3. For sections 10 to 13 (inspection) substitute—

"**10 Inspectors.**

10. References in this Act to the chief inspector or an inspector are references, respectively, to the chief inspector or an inspector appointed under Article 16 of the Industrial Pollution Control (Northern Ireland) Order 1997.".

The Land Development Values (Compensation) Act (Northern Ireland) 1965 (c. 23 (N.I.))

4. In Part II of Schedule 2, after paragraph 542) add—

"(3) Use for any of the following processes (except a process ancillary to the getting, dressing or treatment of minerals, carried on in or adjacent to a quarry or mine)—

(a) converting, re-heating, annealing, hardening, melting, carburising, forging or casting of iron or other metals or alloys;

(b) recovering of metal from scrap or drosses or ashes;

(c) galvanising;

(d) pickling or treatment of metal in acid; or

(e) chromium plating.".

The Water Act (Northern Ireland) 1972 (c. 5 (N.I.))

5. In section 5 (pollution etc. of water), after subsection (1) insert—

"(1A) A person does not commit an offence under subsection (1) if the discharge or deposit in question is authorised by an authorisation granted under the Industrial Pollution Control (Northern Ireland) Order 1997.".

6. In section 9 (supplementary provisions as to consents under section 7 or 8)—

(a) for subsection (9) substitute—

"(9) The Department shall maintain a register containing particulars of—

(a) consents and conditions which are for the time being in force under section 7 or 8; and

(b) any matter about which particulars are required to be kept in any register under Article 20 of the Industrial Pollution Control (Northern Ireland) Order 1997 (particulars about authorisations for prescribed processes, etc.) by the chief inspector appointed under that Order.

(9A) The register maintained under subsection (9)—

(a) shall be open to inspection by any person at all reasonable hours;

(b) shall, in favour of a person charged with an offence under this Act, be conclusive evidence as to the terms of any consent or condition under section 7 or 8 as it has effect for the time being.".

(b) in subsection (10) for the words "subsection (11)" substitute "subsections (11) and (11 A)"; and

(c) after subsection (11) insert—

"(11A) A person does not commit an offence by contravening section 7 or 8 by discharging any effluent or matter if the discharge is authorised by an authorisation granted under the Industrial Pollution Control (Northern Ireland) Order 1997.".

7. In section 11 (protection for persons complying with conditions) at the end of subsection (1) add—

"; or

(f) Article 23 of the Industrial Pollution Control (Northern Ireland) Order 1997".

The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)

8. In Article 2(2), in the appropriate place in alphabetical order insert—

""the Industrial Pollution Control Order" means the Industrial Pollution Control (Northern Ireland) Order 1997;".

9. In Article 55(4)—

(a) in sub-paragraph (a) after the words "part of a" insert "process subject to the Industrial Pollution Control Order or"; and

(b) for sub-paragraph (b) substitute—

"(b) of the inspectors appointed under the Industrial Pollution Control Order or, as the case may be, under the Alkali Act, to enforce those provisions in relation to such furnaces.".

10.—(1) In Article 56(1) after the words "unless the" insert "burning is part of a process subject to the Industrial Pollution Control Order or the".

(2) For Article 56(2) substitute—

"(2) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

11. In Article 57(4) after the words "emissions from any" insert "process subject to the Industrial Pollution Control Order or".

12. After Article 58(2) insert—

"(2A) If the notice relates to a process subject to the Industrial Pollution Control Order, the person on whom the notice is served shall not be obliged to supply any information which, as certified by an inspector appointed under that Order, is not of a kind which is being supplied to the inspector for the purposes of that Order.".

The Clean Air (Northern Ireland) Order 1981 (NI 4).

13. Articles 7 to 13 shall cease to have effect.

14. Immediately before Article 25 insert—

"**Relation to Industrial Pollution Control (Northern Ireland) Order 1997**

24A.—(1) Articles 3 to 24 shall not apply to any process which is a prescribed process as from the date which is the determination date for that process.

(2) The "determination date" for a prescribed process is—

(a) in the case of a process for which an authorisation is granted, the date on which the enforcing authority grants it, whether in pursuance of the application or, on an appeal, of a direction to grant it;

(b) in the case of a process for which an authorisation is refused, the date of the refusal or, on an appeal, of the affirmation of the refusal.

(3) In this Article "authorisation", "enforcing authority" and "prescribed process" have the meaning given in Article 2 of the Industrial Pollution Control (Northern Ireland) Order 1997 and the reference to an appeal is a reference to an appeal under Article 15 of that Order.".