
STATUTORY INSTRUMENTS

1997 No. 2778

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

PART IV

GENERAL

Evidence

Evidence in connection with certain pollution offences

75.—(1) Information provided or obtained pursuant to or under a condition of a relevant licence (including information so provided or obtained, or recorded, by means of any apparatus) shall be admissible in evidence in any proceedings, whether against the person subject to the condition or any other person.

(2) For the purposes of paragraph (1), apparatus shall be presumed in any proceedings to register or record accurately, unless the contrary is shown or the relevant licence otherwise provides.

(3) Where—

- (a) under a condition of a relevant licence, an entry is required to be made in any record as to the observance of any condition of the relevant licence, and
- (b) the entry has not been made,

that fact shall be admissible in any proceedings as evidence that that condition has not been observed.

(4) In this Article—

“apparatus” includes any meter or other device for measuring, assessing, determining, recording or enabling to be recorded, the volume, temperature, radioactivity, rate, nature, origin, composition or effect of any substance, flow, discharge, emission, deposit or abstraction;

“condition of a relevant licence” includes any requirement to which a person is subject under or in consequence of a relevant licence;

“relevant licence” means—

- (a) a waste management licence under Article 6;
- (b) registration of a person as a carrier of controlled waste under Article 39.