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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 29**

**INDUSTRIAL POLLUTION CONTROL**

**The Industrial Pollution Control (Applications, Appeals and Registers) Regulations (Northern Ireland) 1998**

*Made - - - - 2nd February 1998*

*Coming into operation 2nd March 1998*

The Department of the Environment, in exercise of the powers conferred on it by Articles 11(1), (3) to (7), 15(10), 20(1) and (2), and 22(9) and paragraphs 1 to 3, 6 and 7 of Schedule 1 to the Industrial Pollution Control (Northern Ireland) Order 1997<sup>(1)</sup> and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These regulations may be cited as the Industrial Pollution Control (Applications, Appeals and Registers) Regulations (Northern Ireland) 1998, and shall come into operation on 2nd March 1998.

**Interpretation**

2. In these Regulations:—

“the Order” means the Industrial Pollution Control (Northern Ireland) Order 1997;

“particulate matter” means grit, dust or fumes;

“prescribed process” means any process the description of which is prescribed by regulation 3(1) of, and Schedule 1 to the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998<sup>(2)</sup>;

“Schedule 1” means Schedule 1 to the Industrial Pollution Control (Northern Ireland) Order 1997.

**Applications for an authorisation**

3.—(1) An application to the enforcing authority for an authorisation under Article 6(2) of the Order shall be in writing and, subject to paragraphs (2) and (3), shall contain the following information—

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(1) S.I. 1997/2777 (N.I. 18), *see* Article 2(2) for the definition of “the Department” and Articles 10(9) and 20(8) for the definition of “prescribed”

(2) S.R. 1998 No. 28

- (a) the name and address of the applicant, his telephone number, and if different any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, the address of its registered or principal office, and, if that body corporate is a subsidiary of a holding company (within the meaning of Article 4 of the Companies (Northern Ireland) Order 1986(3)), the name of the ultimate holding company and the address of its registered or principal office;
- (b) in a case where the prescribed process will not be carried on by means of mobile plant—
  - (i) the name of the district council in whose area the prescribed process will be carried on;
  - (ii) the address of the premises where the process will be carried on;
  - (iii) a map or plan showing the location of those premises; and
  - (iv) if only part of those premises will be used for carrying on the process, a plan or other means of identifying that part;
- (c) in a case where the prescribed process will be carried on by means of mobile plant—
  - (i) the name of the district council in whose area the applicant has his principal place of business; and
  - (ii) the address of that place of business;
- (d) a description of the prescribed process;
- (e) a list of prescribed substances (and any other substances which might cause harm if released into any environmental medium) which will be used in connection with, or which will result from, the carrying on of that process;
- (f) a description of the techniques to be used for preventing the release into any environmental medium of such substances, for reducing the release of such substances to a minimum and for rendering harmless any such substances which are released;
- (g) details of any proposed release of such substances into any environmental medium and an assessment of the environmental consequences;
- (h) proposals for monitoring any release of such substances, the environmental consequences of any such release and the use of any techniques described in accordance with sub-paragraph (f);
- (i) the matters on which the applicant relies to establish that the objectives mentioned in Article 7(2) of the Order (including the objective referred to in Article 7(7)) will be achieved and that he will be able to comply with the general condition implied by Article 7(4); and
- (j) any additional information which he wishes the enforcing authority to take into account in considering his application.

(2) Paragraph (1) shall apply in relation to an application to the chief inspector for an authorisation in respect of a prescribed process designated for restricted central control or an application to a district council for an authorisation in respect of a prescribed process designated for local control (other than that mentioned in paragraph (3)) as if the words in brackets in sub-paragraph (i) were omitted and references to the release of substances into any environmental medium were references to the release of substances into the air.

(3) Paragraph (1) shall apply in relation to an application to a district council for an authorisation to carry on any prescribed process involving only the burning of waste oil in an appliance with a net rated thermal input of less than 0.4 megawatts as if the following sub-paragraphs were substituted for sub-paragraphs (d) to (i)—

- “(d) the name and number (if any) of the appliance and the name of its manufacturer;
  - (e) the net rated thermal input of the appliance and whether or not it is constructed or adapted so as to comply with the specification for fixed flued fan-assisted heaters in part 2 of the specification for oil-burning air heaters published by the British Standards Institution and numbered BS 4256 1972;
  - (f) details of the type of fuel to be used and its source;
  - (g) details of the height and location and any chimney through which waste gases produced by the appliance would be carried away;
  - (h) details of the efflux velocity of the waste gases leaving such a chimney produced by the appliance in normal operation;
  - (i) details of the fuel storage tanks of the appliance; and”.
- (4) In this regulation—
- “net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal; and
- “waste oil” means any mineral based lubricating oil which—
- (a) has become unfit for the use for which it was intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil; and
  - (b) is generated only as a result of activities carried out by the applicant on the premises where the process is carried on.

#### **Variation of conditions of an authorisation**

4.—(1) Any notice given to an enforcing authority under Article 11(1)(a) of the Order of a proposed relevant change in a prescribed process shall be in writing.

(2) An application to an enforcing authority under any provision of Article 11 of the Order for the variation of the conditions of an authorisation shall be in writing.

- (3) A person making—
- (a) a request to an enforcing authority under Article 11(1)(b) of the Order for a determination of the matters mentioned in Article 11(2); or
  - (b) an application to such an authority under any provision of Article 11 for the variation of the conditions of an authorisation,

shall furnish the authority with his name, address and telephone number and shall also furnish the authority—

- (i) in a case where the prescribed process will not be carried on by means of mobile plant, with the address of the premises where the prescribed process will be carried on;
  - (ii) in a case where the process will be carried on by means of mobile plant, with the address of his principal place of business;
  - (iii) in all cases, with a statement of any changes as respects any information supplied under regulation 3(1)(a) to (c); and
  - (iv) in a case where the holder of the authorisation is a body corporate which is a subsidiary of a holding company (within the meaning of Article 4 of the Companies (Northern Ireland) Order 1986) and the information has not already been supplied under regulation 3(1)(a), with the name of the ultimate holding company and the address of its registered or principal office.
- (4) Subject to paragraph (5), a person making—

- (a) a request to an enforcing authority under Article 11(1)(b) of the Order for a determination of the matters mentioned in Article 11(2); or
- (b) an application to such an authority under Article 11(5) for the variation of the conditions of an authorisation,

shall also furnish the authority with—

- (i) a description of any proposed change in the manner in which the prescribed process is carried on;
- (ii) a statement of any changes as respects the matters dealt with in regulation 3(1)(e) to (i) which would result if any proposed change in the manner of carrying on the prescribed process were made;
- (iii) any additional information he wishes the authority to take into account in considering his application; and
- (iv) in the case of an application under Article (11)(5) of the Order, an indication of the variations which he wishes the authority to make.

(5) Paragraph (4) shall apply in relation to a process mentioned in regulation 3(3) as if subparagraph (ii) were omitted.

(6) A person making an application to an enforcing authority under Article 11(3)(b) or (4)(b) of the Order for the variation of conditions of an authorisation shall also furnish the authority with—

- (a) an indication of the variations which he wishes the authority to make;
- (b) a statement of the changes in any information supplied to the authority under paragraph (3); and
- (c) any additional information which he wishes the authority to take into account in considering his application.

(7) A person making an application to an enforcing authority for the variation of the conditions of an authorisation under Article 11(6) of the Order shall also furnish the authority with—

- (a) an indication of the variations he wishes the authority to make; and
- (b) any additional information which he wishes the authority to take into account in considering his application.

## **Consultation**

5.—(1) Subject to regulations 7 and 8(2), the persons to be consulted under paragraph 2, 6 or 7 of Schedule 1, are—

- (a) the Department of Economic Development, in all cases;
- (b) the Department of Agriculture in the case of all prescribed processes designated for integrated central control;
- (c) the Department of the Environment,
  - (i) in the case of all prescribed processes designated for integrated central control and which may involve the release of any substance into any underground strata or waterway as defined in Part III of the Water Act 1972(4);
  - (ii) in the case of all prescribed processes designated for integrated central control and which may involve the release of any substance into a sewer;
  - (iii) in the case of all prescribed processes designated for integrated central control which may involve the release of any substance into any environmental medium, and in the

case of all prescribed processes designated for restricted central control or for local control which may involve the release of any substance into the air,

which may affect an area of special scientific interest;

- (d) the district council in whose district the process will be carried on,
- (i) in the case of all prescribed processes designated for integrated central control which may involve the release of any substance into any environmental medium;
  - (ii) in the case of all prescribed processes designated for restricted central control which may involve the release of any substance, into the air (other than those which will be carried on by means of mobile plant), or in respect of which a direction under Article 5(5) of the Order is in force; and
- (e) the harbour authority in the case of all prescribed processes designated for integrated central control and which may result in the release of any substance into a harbour managed by the harbour authority.

(2) Subject to regulation 8(5)(a), the period for notification under paragraphs 2(1), 6(2) and 7(2) of Schedule 1 shall be the period of 14 days beginning with—

- (a) in the case of a notification under paragraph 2(1) of Schedule 1, the day on which the enforcing authority receives the application for an authorisation;
- (b) in the case of a notification under paragraph 6(2) of Schedule 1, the day on which the authority notifies the holder of an authorisation in accordance with Article 10(5) of the Order; and
- (c) in the case of a notification under paragraph 7(2) of Schedule 1, the day on which the authority receives the application for a variation of an authorisation.

(3) In this regulation “harbour authority” has the same meaning as in section 38(1) of the Harbours Act (Northern Ireland) 1970(5).

### **Advertisements**

6.—(1) Subject to paragraph (4) and regulation 7, an advertisement—

- (a) by an applicant under paragraph 1(2) of Schedule 1; or
- (b) by the holder of an authorisation under paragraph 6(2) or 7(2) of Schedule 1

shall be published in one or more newspapers circulating in the locality in which the prescribed process will be carried on and also, in the case of a prescribed process designated for integrated central control, in the Belfast Gazette.

(2) Subject to regulation 8(5)(b), any such advertisement as is mentioned in paragraph (1) shall be published within a period of 28 days beginning 14 days after—

- (a) in the case of an advertisement under paragraph 1(2) of Schedule 1, the day on which the application for an authorisation is made;
- (b) in the case of an advertisement under paragraph 6(2) of Schedule 1, the day on which the holder of the authorisation is notified in accordance with Article 10(5) of the Order;
- (c) in the case of an advertisement under paragraph 7(2) of Schedule 1, the day on which the application for a variation is made.

(3) Subject to regulation 8(4), any such advertisement shall—

- (a) state the name of the applicant or, as the case may be, of the holder of the authorisation;

- (b) except in the case of a prescribed process which will be carried on by means of mobile plant, give the address of the premises on which the prescribed process will be carried on;
- (c) describe briefly the prescribed process;
- (d) state where any register which contains particulars of the application or of the action to be taken may be inspected and that it may be inspected free of charge; and
- (e) explain that any person may make representations in writing to the enforcing authority within the period of 42 days beginning with the date of the advertisement and give the authority's address;
- (f) explain that any such representations made by any person will be entered in a public register unless that person requests in writing that they should not be so placed, and that where such a request is made there will be included in the register a statement indicating only that representations have been made which have been the subject of such a request.

(4) The requirement in paragraph (1) of this regulation to publish an advertisement in one or more newspapers circulating in the locality in which the prescribed process will be carried on does not apply in relation to any prescribed process which will be carried on by means of mobile plant.

#### **Exemption for waste oil burners**

7.—(1) The requirements of paragraphs 1(2), 2, 6 or 7 of Schedule 1 shall not apply in relation to any process involving only the burning of waste oil in an appliance with a net rated thermal input of less than 0.4 megawatts.

(2) In this regulation—

“net rated thermal input” has the same meaning as in regulation 3(4); and

“waste oil” means any mineral based lubricating or industrial oil which has become unfit for the use for which it was intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil.

#### **National security and confidential information**

8.—(1) This regulation applies where in relation to an application or an authorisation—

- (a) a direction given by the Secretary of State under Article 21(2) of the Order applies;
- (b) notice is given to the Secretary of State under Article 21(4) of the Order;
- (c) an application is made to an enforcing authority under Article 22(2) of the Order; or
- (d) an objection is made to such an authority under Article 22(4) of the Order.

(2) Subject to paragraph (3), the requirements of paragraphs 2(1), 6(2), or 7(2) of Schedule 1 shall not apply in so far as they would require a person mentioned in regulation 5(1)(d) or (e) to be consulted on information which is not to be included in the register by virtue of Article 21 or 22 of the Order.

(3) Information which is not to be included in the register by virtue of Article 22 of the Order shall not be excluded by paragraph (2) if—

- (a) in the case of a district council mentioned in regulation 5(1)(d) it is information about the release of any substance—
  - (i) into any environmental medium from a prescribed process designated for integrated central control; or
  - (ii) into the air from a prescribed process designated for restricted central control; or

- (b) in the case of a harbour authority mentioned in regulation 5(1)(e) it is information about the release of any substance from a prescribed process designated for integrated central control into a harbour managed by the harbour authority.
- (4) The requirements of paragraph 1(2), 6(2), or 7(2) of Schedule 1 shall not apply in so far as they would require the advertisement of information mentioned in regulation 6(3) which is not to be included in the register by virtue of Article 21 or 22 of the Order.
- (5) Where a matter falls to be determined under Article 21 or 22 of the Order—
  - (a) the period for notification under paragraph 2(1), 6(2) or 7(2) of Schedule 1 shall be the period of 14 days beginning 14 days after the day on which the matters to be determined under Article 21 or 22 of the Order are finally disposed of;
  - (b) the period within which an advertisement is to be published in the manner specified in regulation 6(1) shall be the period of 28 days beginning 14 days after the day on which the matters to be determined under Article 21 or 22 of the Order are finally disposed of.
- (6) For the purposes of paragraph (5) the matters to be determined under Article 21 or 22 of the Order are finally disposed of—
  - (a) on the date on which the Secretary of State determines under Article 21 of the Order whether or not information is to be included in the register;
  - (b) on the date on which the enforcing authority is treated under Article 22(3) of the Order as having made a determination;
  - (c) in a case where the enforcing authority determines under Article 22(2) or (4) of the Order that the information in question is commercially confidential, on the date of the authority's determination;
  - (d) in a case where the enforcing authority determines under Article 22(2) or (4) of the Order that the information in question is commercially confidential, on the date on which the period for bringing an appeal expires without an appeal being brought or, if such an appeal is brought within that period, on the date of the final determination of the appeal by the Department or, as the case may be, the date on which the appellant withdraws his appeal.

### **Transmitted applications**

9. Where an application for an authorisation is transmitted to the Department for determination under paragraph 3(1) of Schedule 1, a request by the applicant or the enforcing authority concerned that the Department exercise one of the powers under paragraph 3(3) of Schedule 1 shall be made to the Department in writing within the period of 21 days beginning with the day on which the applicant is informed that the application is being transmitted to the Department.

### **Notice of appeal**

10.—(1) A person who wishes to appeal to the Department under Article 15 or 22(5) of the Order shall give to the Department written notice of the appeal together with the documents specified in paragraph (2) and shall at the same time send to the enforcing authority a copy of that notice together with the documents specified in paragraph (2)(a) and (f).

- (2) The documents mentioned in paragraph (1) are—
  - (a) a statement of the grounds of appeal;
  - (b) a copy of any relevant application;
  - (c) a copy of any relevant authorisation;
  - (d) a copy of any relevant correspondence between the appellant and the enforcing authority;
  - (e) a copy of any decision or notice which is the subject-matter of the appeal;

- (f) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.
- (3) If the appellant wishes to withdraw an appeal he shall do so by notifying the Department in writing and shall send a copy of that notification to the enforcing authority.

### **Time limit for bringing an appeal**

**11.**—(1) Subject to paragraph (2) notice of appeal in accordance with regulation 10(1) shall be given—

- (a) in the case of an appeal by a person who has been refused the grant of an authorisation under Article 6 of the Order, before the expiry of the period of six months beginning with—
  - (i) the date of the decision which is the subject-matter of the appeal; or
  - (ii) in the case of an appeal against a deemed refusal of an application for an authorisation, the date on which the application is deemed under the provisions of paragraph 5(2) of Schedule 1 to have been refused;
- (b) in the case of an appeal by a person who is aggrieved by the conditions attached to his authorisation or who has been refused a variation of an authorisation on an application under Article 11 of the Order, before the expiry of the period of six months beginning with the date of the decision which is the subject-matter of the appeal;
- (c) in the case of an appeal in respect of a decision of an enforcing authority to revoke an authorisation under Article 12 of the Order, before the date on which the revocation of the authorisation takes effect;
- (d) in the case of an appeal by a person on whom a variation notice, an enforcement notice or a prohibition notice is served, before the expiry of the period of two months beginning with the date of the notice which is the subject-matter of the appeal;
- (e) in the case of an appeal in respect of a decision of an enforcing authority that information is not commercially confidential, before the expiry of the period of 21 days beginning with the date of the notice of determination.

(2) The Department may in a particular case allow notice of appeal to be given after the expiry of the periods mentioned in paragraph (1)(a), (b) or (d).

### **Action upon receipt of notice of appeal**

**12.**—(1) Subject to paragraph (5), the enforcing authority shall within 14 days of receipt of the copy of the notice of appeal in accordance with regulation 10(1)—

- (a) in the case of an appeal by a person in respect of a decision of an enforcing authority to revoke an authorisation or on whom a variation notice, an enforcement notice or a prohibition notice is served, give written notice of it to any person who appears to the enforcing authority likely to have a particular interest in the subject-matter of the appeal; and
  - (b) in any other case given written notice of it—
    - (i) to any person who made representations to the authority with respect to the grant or variation of the authorisation; and
    - (ii) to any person who was required to be consulted on the application under paragraph 2 or 7 of Schedule 1 pursuant to regulation 5(1).
- (2) A notice under paragraph (1) shall—
- (a) state that an appeal has been lodged;
  - (b) give the name of the appellant and—



- (i) where the prescribed process will not be carried on by means of mobile plant, the address of the premises where the prescribed process will be carried on;
  - (ii) where the prescribed process will be carried on by means of mobile plant, the address of his principal place of business;
  - (c) describe the application or authorisation to which the appeal relates;
  - (d) state that representations with respect to the appeal may be made to the Department in writing by any recipient of the notice within a period of 21 days beginning with the date of the notice; and that copies of any representations so made will be furnished to the appellant and to the enforcing authority;
  - (e) explain that any such representations made by any person will be entered in a public register unless that person requests in writing that they should not be so placed, and that where such a request is made there will be included in the register a statement indicating only that representations have been made which have been the subject of such a request;
  - (f) state that if a hearing is to be held wholly or partly in public a person mentioned in paragraph (1)(a) or (b)(i) will be notified of the date of the hearing.
- (3) The enforcing authority shall, within 14 days of sending a notice under paragraph (1), notify the Department of the persons to whom and the date on which the notice was sent.
- (4) In the event of an appeal being withdrawn, the enforcing authority shall give written notice of the withdrawal to every person to whom notice was given under paragraph (1).
- (5) The provisions of this regulation do not apply in the case of an appeal brought under Article 22(5) of the Order.

### **Written representations**

- 13.**—(1) Where the appellant informs the Department that he wishes the appeal to be disposed of on the basis of written representations, the enforcing authority shall submit any written representations to the Department not later than 28 days beginning with the date of receipt of a copy of the documents mentioned in regulation 10(2)(a) and (f).
- (2) The appellant shall make any further representations by way of reply to any representations from the enforcing authority not later than 17 days beginning with the date of submission of those representations by the enforcing authority.
- (3) Any representations made by the appellant or the enforcing authority shall be dated and submitted to the Department on the date they bear.
- (4) When the enforcing authority or the appellant submits any representations to the Department they shall at the same time send a copy of them to the other party.
- (5) The Department shall send to the appellant and the enforcing authority a copy of any representations made to it by the persons mentioned in regulation 12(1) and shall allow the appellant and the enforcing authority a period not less than 14 days beginning with the date of receipt of those documents in which to make representations thereon.
- (6) The Department may in a particular case—
- (a) set later time limits than those mentioned in this regulation;
  - (b) require exchanges of representations between the parties in addition to those mentioned in paragraphs (1) and (2).

## Hearings

14.—(1) The Department shall give the appellant and the enforcing authority at least 28 days' written notice (or such shorter period of notice as they may agree) of the date, time and place fixed for the holding of any hearing in respect of an appeal under Article 15 or 22(5) of the Order.

(2) Subject to paragraphs (4) and (5), in the case of a hearing which is to be held wholly or partly in public, the Department shall, at least 21 days before the date fixed for the holding of the hearing, publish a copy of the notice mentioned in paragraph (1)—

- (a) in a case where the prescribed process will not be carried on by means of mobile plant, in a newspaper circulating in the locality in which the prescribed process which is the subject of the appeal will be carried on; and
- (b) in a case where the appeal is in respect of a decision of an enforcement authority to revoke an authorisation or against a variation notice, an enforcement notice or a prohibition notice in respect of a prescribed process carried on by means of mobile plant, in a newspaper circulating in the locality in which the prescribed process was carried on at the time when the notice of revocation, variation notice, enforcement notice or prohibition notice was served;

and shall serve a copy of the notice mentioned in paragraph (1) on every person mentioned in regulation 12(1)(a) and (b)(i) who has made representations in writing to the Department and on any person who was required under regulation 12(1)(b)(ii) to be notified of the appeal.

(3) The Department may vary the date fixed for the holding of any hearing and paragraphs (1) and (2) shall apply to the variation of a date as they applied to the date originally fixed.

(4) The Department may also vary the time or place for the holding of a hearing but shall give such notice of any such variation as appears to it to be reasonable.

(5) Paragraph (2) shall not apply in the case of a hearing in respect of an appeal brought under Article 22(5) of the Order.

(6) The persons entitled to be heard at a hearing are—

- (a) the appellant;
- (b) the enforcing authority; and
- (c) any person required under regulation 12(1)(b)(ii) to be notified of the appeal.

(7) Nothing in paragraph (6) shall prevent the person appointed to conduct the hearing of the appeal from permitting any other person to be heard at the hearing and such permission shall not be unreasonably withheld.

(8) After the conclusion of a hearing, the person appointed to conduct the hearing shall make a report in writing to the Department which shall include his conclusions and his recommendations or his reasons for not making any recommendations.

## Notification of determination

15.—(1) The Department shall notify the appellant in writing of its determination of the appeal and shall provide him with a copy of any report mentioned in regulation 14(8).

(2) The Department shall at the same time send—

- (a) a copy of the documents mentioned in paragraph (1) to the enforcing authority and to any persons required under regulation 12(1)(b)(ii) to be notified of the appeal; and
- (b) a copy of its determination of the appeal to a person mentioned in regulation 12(1)(a) and (b)(i) who made representations to the Department and, if a hearing was held, to any other person who made representations in relation to the appeal at the hearing.

## Registers

16. Subject to Articles 21 and 22 of the Order, a register maintained by an enforcing authority under Article 20 of the Order shall be maintained in accordance with regulation 17 and shall contain—

- (a) all particulars of any application for an authorisation, or for a variation of the conditions of an authorisation, made to the authority;
- (b) all particulars of any advertisement published pursuant to regulation 6;
- (c) all particulars of any notice to the applicant by the authority under paragraph 1(3) of Schedule 1 to the Order and of any information furnished in response to such a notice;
- (d) all particulars of any representations made by any person required to be consulted under paragraph 2, 6 or 7 of Schedule 1 to the Order pursuant to regulation 5(1);
- (e) all particulars of any representations made by any person in response to an advertisement published pursuant to regulation 6 which contains the explanation required by paragraph (3)(f) of that regulation, or a notice given pursuant to regulation 12(1) which contains the explanation required by paragraph (2)(e) of that regulation, other than representations which the person who made them requested should not be placed in the register;
- (f) in a case where any such representations are omitted from the register at the request of the person who made them, a statement by the authority that such representations have been and which have been the subject of such a request (but such statement shall not identify the person who made the representations in question);
- (g) all particulars of any authorisation granted by the authority;
- (h) all particulars of any written notice of the transfer of an authorisation given to the authority pursuant to Article 9(2) of the Order;
- (i) all particulars of any notification given to the holder of an authorisation by the authority under Article 10(6) of the Order;
- (j) all particulars of any revocation of an authorisation effected by the authority;
- (k) all particulars of any variation notice, enforcement notice or prohibition notice issued by the authority;
- (l) all particulars of any notice issued by the authority withdrawing an enforcement notice or a prohibition notice;
- (m) all particulars of any notice of appeal under Article 15 of the Order against a decision by the authority, the documents relating to the appeal mentioned in regulation 10(2)(a), (d) and (e), any written notification of the Department's determination of such an appeal and any report accompanying any such written notification;
- (n) details of any conviction of any person for any offence under Article 23(1) of the Order which relates to the carrying on of a prescribed process under an authorisation granted by the authority, or without such an authorisation in circumstances where one is required by Article 6(1) of the Order, including the name of the offender, the date of conviction, the penalty imposed and the name of the Court;
- (o) all particulars of any monitoring information relating to the carrying on of a prescribed process under an authorisation granted by the authority obtained by the authority as a result of its own monitoring or furnished to the authority in writing by virtue of a condition of the authorisation or Article 19(2) of the Order;
- (p) in a case where any such monitoring information is omitted from the register by virtue of Article 22 of the Order, a statement by the authority, based on the monitoring information

from time to time obtained by or furnished to them, indicating whether or not there has been compliance with any relevant condition of the authorisation;

- (q) all particulars of any other information furnished to the authority in compliance with a condition of the authorisation, a variation notice, enforcement notice, or prohibition notice, or Article 19(2) of the Order;
- (r) all particulars of any report published by an enforcing authority relating to an assessment of the environmental consequences of the carrying on of a prescribed process in the locality of premises where the prescribed process is carried on under an authorisation granted by the authority; and
- (s) all particulars of any direction (other than a direction under Article 21(2) of the Order) given to the authority by the Department under any provision of the Order.

**17.—**(1) Where an advertisement is required to be published in accordance with regulation 6—

- (a) in the case of an advertisement under paragraph 1(2) of 7(2) of Schedule 1 to the Order, the particulars referred to in paragraph (a) of regulation 16 shall be entered in the register not later than 14 days after the receipt by the enforcing authority of the application to which the advertisement relates;
- (b) in the case of an advertisement under paragraph 6(2) of that Schedule, the particulars referred to in paragraph (i) of regulation 16 shall be entered in the register not later than 14 days after the giving of the notification under Article 10(6) of the Order.

(2) Where an application for an authorisation is withdrawn by the applicant at any time before it is determined, all particulars relating to that application which are already in the register shall be removed from that register not less than two months and not more than three months after the date of withdrawal of the application, and no further particulars relating to that application shall be entered in the register.

(3) Where, by virtue of any regulations made under Article 3(1) of the Order a description of process ceases to be a prescribed process, all particulars relating to processes of that description shall be removed from the register not less than two months and not more than three months after the date on which that description of process ceases to be prescribed.

**18.** A register maintained by a district council shall (in addition to the particulars required by regulation 16) contain all particulars of such information contained in any register maintained by the chief inspector as relates to the carrying on in the area of that district council of prescribed processes in relation to which the chief inspector has functions under the Order.

**19.** Nothing in regulation 16 or 18 shall require an enforcing authority to keep in a register maintained by him—

- (a) monitoring information relating to a particular process four years after that information was entered in the register; or
- (b) information relating to a particular process which has been superseded by later information relating to that process four years after that later information was entered in the register,

but nothing in this regulation shall apply to any aggregated monitoring data relating to overall emissions of any substance or class of substances from prescribed processes generally or from any class of prescribed process.

Sealed with the Official Seal of the Department of the Environment on

L.S.

2nd February 1998.

*R. W. Rogers*  
Assistant Secretary

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations govern the procedures to be followed in connection with applications for authorisation to carry on a prescribed process made under Article 6 of the Industrial Pollution Control (Northern Ireland) Order 1997 (“the Order”) and with the variation of such authorisations under Articles 10 and 11 of the Order. The Regulations provide exemptions from the procedure for certain waste oil producers and in cases involving information affecting national security or which is commercially confidential.

The Regulations also set out the procedures and time limits in connection with appeals to the Department under Articles 15 or 22(5) of the Order against decisions of the enforcing authorities.

In addition, the Regulations prescribe the particulars of the matters required by Article 20 of the Order to be included in registers to be maintained by the enforcing authorities.

Copies of the document published by the British Standards Institution referred to in regulation 3(3) may be obtained from the British Standards Institution, 389 Chiswick High Road, London, W4 4AL (telephone 0181 996 9000).