



2010 CHAPTER 10

PART 4

MISCELLANEOUS AND SUPPLEMENTARY

Offences

Obstruction of officers, etc.

33.—(1) Any person who intentionally obstructs—

- (a) any officer of the Department in the exercise of any function under this Act,
- (b) an authorised person in the exercise of any such function, or
- (c) any other person engaged on works in pursuance of this Act,

commits an offence.

(2) Any person who—

- (a) pulls down, removes or damages any works done in pursuance of this Act,
or
- (b) removes, defaces or damages any pegs, poles or marks placed or made by any authorised person for the purpose of, or in connection with, any such works,

commits an offence.

(3) Any person guilty of an offence under this section is liable on summary conviction—

- (a) to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 6 months or to both; and

- (b) in the case of a continuing offence, to a further fine not exceeding one-tenth of level 4 on the standard scale in respect of each day during which the offence is continued after conviction.

Prosecutions under this Act

34.—(1) Notwithstanding anything in Article 19(1) of the [Magistrates Courts \(Northern Ireland\) Order 1981 \(NI 26\)](#), proceedings for an offence under this Act may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the complainant to warrant the proceedings came to the knowledge of the complainant; but no proceedings shall be brought by virtue of this subsection more than 2 years after the commission of the offence.

(2) For the purposes of subsection (1)—

- (a) a certificate signed by or on behalf of the complainant and stating the date on which such evidence as is mentioned in that subsection came to the knowledge of the complainant shall be conclusive evidence of that fact; and
- (b) a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.