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STATUTORY INSTRUMENTS

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**1978 No. 1049**

**Pollution Control and Local Government  
(Northern Ireland) Order 1978**

**PART IV**

**POLLUTION OF THE ATMOSPHERE**

Information about atmospheric pollution

**Research and publicity**

57.—(1) A district council may—

- (a) undertake, or contribute towards the cost of, investigation and research relevant to the problem of air pollution; and
- (b) arrange for the publication of information on that problem.

(2) Without prejudice to the generality of paragraph (1), district councils may obtain information about the emission of pollutants and other substances into the air—

- (a) by issuing notices under Article 58; and
- (b) by measuring and recording the emissions, and for that purpose entering on any premises, whether by agreement or in exercise of the power conferred by section 98 of the Local Government Act (Northern Ireland) 1972 ; and
- (c) by entering into arrangements with occupiers of premises under which they measure and record emissions on behalf of the district council;

so, however, that references to premises in sub-paragraphs ( b ) and ( c ) do not include private dwellings.

(3) A district council shall not exercise the power mentioned in paragraph (2)( b ) for the purpose of measuring and recording such emissions on any premises unless—

- (a) the council has given to the occupier of the premises a notice—
  - (i) specifying the kind of emissions in question and the steps it proposes to take on the premises for the purpose of measuring and recording emissions of that kind, and
  - (ii) stating that it proposes to exercise that power for that purpose unless the occupier makes a request to the council under this paragraph; and
- (b) the period of twenty-one days beginning with the date on which the notice was given has expired,

and shall not exercise that power in consequence of the notice if during that period the occupier gives a notice to the council requesting it to serve on him a notice under Article 58 with respect to the emissions.

(4) Nothing in this Article shall authorise a district council to investigate emissions from any<sup>[F1]</sup> activity subject to regulations under Article 4 of the Environment (Northern Ireland) Order 2002 or any<sup>[F2]</sup> process subject to the Industrial Pollution Control Order or<sup>[F2]</sup> work subject to the Alkali Act

otherwise than by issuing notices under Article 58, or by exercising the powers conferred on the council by paragraph (1)(a) of this Article without entering the work.

(5) In acting under paragraph (1)(b), a district council shall ensure that the material published is presented in such a way that no information relating to a trade secret is disclosed, except with the consent in writing of a person authorised to disclose it<sup>F2</sup>. . . .

(6) Breach of a duty imposed by paragraph (5) shall be actionable; but in any proceedings, whether civil or criminal, brought against a district council, or any member or officer of a district council, on the grounds that any information has been published, it shall be a defence to show that it was published in compliance with this Article.

(7) Paragraph (6) applies in particular to any proceedings brought under [<sup>F3</sup> Article 36 of the Clean Air (Northern Ireland) Order 1981 ] (which makes it an offence to disclose information relating to any trade secret).

(8) So long as a district council exercises any of its powers under paragraph (2), it shall consult such persons carrying on any trade or business in the council's district, or such organisations appearing to the council to be representative of those persons, and such persons appearing to the council to be conversant with problems of air pollution or to have an interest in local amenity as appear to the council to be appropriate—

- (a) about the way in which the district council exercises its powers under this Article and Article 58; and
- (b) about the extent to which, and the manner in which, any information collected under those powers should be made available to the public.

(9) The consultations shall take place not less than twice in each financial year.

<b>F1</b>	2002 NI 7
<b>F2</b>	1997 NI 18
<b>F3</b>	1981 NI 4

**Changes to legislation:**

There are currently no known outstanding effects for the Pollution Control and Local Government (Northern Ireland) Order 1978, Section 57.