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## STATUTORY INSTRUMENTS

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# 1978 No. 1049

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

### PART I INTRODUCTORY

#### **Title and commencement**

1.—(1) This Order may be cited as the Pollution Control and Local Government (Northern Ireland) Order 1978.

(2) <sup>F1</sup> This Order shall come into operation on such day or days as the Head of the Department may by order appoint<sup>F2</sup>.

#### **Annotations:**

**F1** Commencement orders made to 31.3.1981: SR 1978/348; 1980/97; 1981/85

**F2** partly exercised by SR 1992/253

#### **Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

<sup>F3</sup>“the Alkali Act” means the Alkali, &c. Works Regulation Act 1906 ;

“the Department” means the Department of the Environment;

“government department” includes a department of the Government of the United Kingdom;

[<sup>F4</sup>“the Industrial Pollution Control Order ” means the Industrial Pollution Control (Northern Ireland) Order 1997;]

“mine” has the same meaning as in the Mines Act (Northern Ireland) 1969 ;

“modify” means making additions, omissions, amendments, applications, extensions, restrictions and substitutions;

“notice” means notice in writing;

“orders”, except orders under Articles 1(2), 39, 43, 45(6) and 83, means orders made by the Department;

“owner”, means the person for the time being receiving the rackrent of the land in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the land were let at a rackrent;

“prescribed” means prescribed by regulations;

**Changes to legislation:** *Pollution Control and Local Government (Northern Ireland) Order 1978, PART I is up to date with all changes known to be in force on or before 23 September 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“private dwelling” means—

- (a) a hereditament used wholly for the purposes of a private dwelling as determined in accordance with Schedule 5 of the Rates (Northern Ireland) Order 1977 ; and
- (b) a caravan as defined in section 25(1) of the Caravans Act (Northern Ireland) 1963 ;

“quarry” has the same meaning as in the<sup>F5</sup> Quarries (Northern Ireland) Order 1983];

“regulations” means regulations made by the Department;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“street” has the same meaning as in the Public Health (Ireland) Act 1878 ;

“vessel” includes a hovercraft within the meaning of the Hovercraft Act 1968 .

(2) Except so far as this Order expressly provides otherwise and subject to the provisions of section 20(1) of the Interpretation Act (Northern Ireland) 1954 (which relates to offences under two or more laws) nothing in this Order—

- (a) confers a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of this Order or an instrument made under this Order;
- (b) affects any restriction imposed by or under any other statutory provision; or
- (c) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Order.

(3) In so far as any interest in Crown land is not a Crown interest, this Order shall apply to the land as if it were not Crown land; and in this paragraph—

“Crown land” means land in which there is a Crown interest;

“Crown interest” means an interest—

- (a) which belongs to Her Majesty in right of the Crown or belongs to a government department; or
- (b) which is held in trust for Her Majesty for the purposes of a government department.

**Annotations:**

**F3** prosp. rep. by [1997 NI 18](#)

**F4** [1997 NI 18](#)

**F5** [1983 NI 4](#)

**Changes to legislation:**

Pollution Control and Local Government (Northern Ireland) Order 1978, PART I is up to date with all changes known to be in force on or before 23 September 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 4 para. 1 2 repealed by [2011 c. 23 \(N.I.\) Sch. 4 Pt. 5](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))

**Commencement Orders yet to be applied to the Pollution Control and Local Government (Northern Ireland) Order 1978**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2012/13 art. 2\(1\) Sch. 1 art. 2\(1\) Sch. 2](#) commences ([2011 c. 23 \(N.I.\)](#))
- [S.R. 2015/49 art. 2 3 Sch. 1](#) commences ([2011 c. 25 \(N.I.\)](#))