

STATUTORY INSTRUMENTS

1981 No. 158

Clean Air (Northern Ireland) Order 1981

Administration and enforcement

Duty to notify occupiers of offences

37.—(1) If, in the opinion of a district council,—

(a) an offence is being or has been committed under Article 3, 4 or 17; ^{F1}...

^{F1}(b)

the council shall, as soon as may be, notify—

(i) the occupier of the premises;

(ii) the person having possession of the boiler or plant;

(iii) the owner of the railway locomotive engine; or

(iv) the owner or master or other officer or person in charge of the vessel;

as the case may be, and, if the notification is not in writing, shall, before the end of the four days next following the day on which the council became aware of the offence, confirm the notification in writing.

(2) In any proceedings for an offence under Article 3, 4 or 17 it shall be a defence to prove that the provisions of paragraph (1) have not been complied with in relation to the offence, and if no such notification as is required by paragraph (1) has been given before the end of the two days or, in the case of an offence committed after the date of the coming into operation of Article 62 of the Pollution Control and Local Government (Northern Ireland) Order 1978 four days next following the day of the offence, paragraph (1) shall be deemed not to have been complied with unless the contrary is proved.

(3) A district council may arrange for the discharge of any of its functions under this Article by any of its officers.

F1 [Art. 37\(1\)\(b\)](#) and preceding word repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 4 Pt. 5](#); S.R. 2012/13, art. 2(2), Sch. 2

Changes to legislation:

There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981, Section 37.