

STATUTORY INSTRUMENTS

1981 No. 158

Clean Air (Northern Ireland) Order 1981

Administration and enforcement

Penalties

38.—(1) A person guilty of an offence under Article 3 shall be liable on summary conviction—

- (a) where dark smoke is emitted from a chimney of a private dwelling, to a fine not exceeding^[F1] level 3 on the standard scale]; and
- (b) where dark smoke is emitted from any other chimney, to a fine not exceeding^[F1] level 5 on the standard scale] or, in the case of an offence under that Article as applied by Article 27 to vessels, £1,000.

(2) A person guilty of an offence under Article 5(9), in so far as such offence is or relates to a contravention of Article 5(4), or of an offence under Article 17, or Article 25(7), shall be liable on summary conviction to a fine not exceeding^[F1] level 3 on the standard scale].

(3) A person guilty of an offence under Article 24(3) shall be liable on summary conviction to a fine not exceeding^[F1] level 2 on the standard scale].

(4) A person guilty of an offence under Article 36 shall be liable on summary conviction to a fine not exceeding^[F1] level 5 on the standard scale] or to imprisonment for a term not exceeding three months or to both.

(5) A person guilty of an offence under any of the other provisions of this Order shall, subject to paragraph (6), be liable on summary conviction to a fine not exceeding^[F1] level 5 on the standard scale].

(6) Where a person is convicted of an offence under this Order (not being any of the offences mentioned in paragraph (1), (2) or (4) or an offence under Article 12) and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence, he shall be liable, on summary conviction, to a fine not exceeding—

- (a) ^[F1]level 5 on the standard scale]; or
- (b) £50 for every day on which the earlier offence has been so repeated or continued by him within the three months next following his conviction for it;

whichever is the greater.

(7) Where—

^{F2}(a)

- (b) under paragraph (6) a person would, if convicted, be liable to a daily penalty in respect of a continuing or repeated offence;

the court by which he is convicted of the earlier offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court and, where a court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration of that period.

Changes to legislation: *There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981, Section 38. (See end of Document for details)*

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| <p>F1 1984 NI 3</p> <p>F2 Art. 38(7)(a) 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</p> |
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