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STATUTORY INSTRUMENTS

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**1997 No. 2777**

**The Industrial Pollution Control (Northern Ireland) Order 1997**

*Provisions as to offences*

**Offences**

- 23.**—(1) It is an offence for a person—
- (a) to contravene Article 6(1);
  - (b) to fail to give the notice required by Article 9(2);
  - (c) to contravene any requirement or prohibition imposed by an enforcement notice or a prohibition notice;
  - (d) without reasonable excuse to fail to comply with any requirement imposed under Article 17;
  - (e) without reasonable excuse,—
    - (i) to fail or refuse to provide facilities or assistance or any information or to permit any inspection reasonably required by an inspector in the execution of his powers or duties under Article 17; or
    - (ii) to prevent any other person from appearing before an inspector, or answering any question to which an inspector may require an answer, pursuant to Article 17(3);
  - (f) intentionally to obstruct an inspector in the exercise or performance of his powers or duties;
  - (g) to fail, without reasonable excuse, to comply with any requirement imposed by a notice under Article 19(2);
  - (h) to make a statement which he knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in a material particular, where the statement is made—
    - (i) in purported compliance with a requirement to furnish any information imposed by or under any provision of this Order; or
    - (ii) for the purpose of obtaining the grant of an authorisation to himself or any other person or the variation of an authorisation;
  - (i) intentionally to make a false entry in any record required to be kept under Article 7;
  - (j) with intent to deceive, to forge or use a document issued or authorised to be issued under Article 7 or required for any purpose thereunder or to make or have in his possession a document so closely resembling any such document as to be likely to deceive;
  - (k) falsely to pretend to be an inspector;
  - (l) to fail to comply with an order made by a court under Article 26.
- (2) A person guilty of an offence under sub-paragraph (a), (c) or (l) of paragraph (1) shall be liable—
- (a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding 3 months, or to both;

- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years, or to both.
- (3) A person guilty of an offence under sub-paragraph (b), (g), (h), (i) or (j) of paragraph (1) shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years, or to both.
- (4) A person guilty of an offence under sub-paragraph (d), (e) or (k) of paragraph (1) shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (5) A person guilty of an offence under sub-paragraph (f) of paragraph (1) shall be liable—
  - (a) in the case of an offence of obstructing an inspector in the execution of his powers under Article 18—
    - (i) on summary conviction, to a fine not exceeding the statutory maximum;
    - (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both;
  - (b) in any other case, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (6) An inspector, if authorised to do so by the Department, may, although not of counsel or a solicitor, prosecute before a magistrates' court proceedings for an offence under paragraph (1).

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**Modifications etc. (not altering text)**

- C1** Art. 23 restricted by [Water \(Northern Ireland\) Order 1999 \(S.I. 1999/662 \(N.I. 6\)\)](#), art. 10(d) (as substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#)), arts. 1(2), **281(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with art. 3, Sch. 2))

**Changes to legislation:**

There are currently no known outstanding effects for the The Industrial Pollution Control (Northern Ireland) Order 1997, Section 23.