
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 12

**The Urban Waste Water Treatment
Regulations (Northern Ireland) 1995**

Samples and records

10.—(1) In this regulation—

- (a) a “relevant condition” means a condition imposed for the purposes of regulation 6(2) in a consent under Part II of the 1972 Act; and
- (b) “the operator” means, in relation to a relevant condition, the person who operates the urban waste water treatment plant, discharges from which are authorised by the consent in which that condition is imposed.

(2) Where the operator is required by a relevant condition to provide any apparatus for the purpose of measuring or recording the volume, rate of flow, nature, composition or temperature of any waste water, or for the purpose of collecting samples of waste water, any such apparatus so provided shall be presumed to register accurately unless the contrary is shown.

(3) Any record—

- (a) produced by any such apparatus as is mentioned in paragraph (2); or
- (b) made by or on behalf of the operator in order to comply with a relevant condition,

shall be evidence of the matters appearing from the record and shall in any proceedings under Part II of the 1972 Act be admissible in evidence against the operator.

(4) Where—

- (a) an entry is required by a relevant condition to be made in any record as to the observance of that or any other relevant condition; and
- (b) the entry has not been made,

that fact shall be admissible as evidence that that condition, or as the case maybe, that other condition has not been observed.

(5) Where, in compliance with a relevant condition, a sample of waste water is collected by apparatus installed for the purpose of collecting such samples automatically, the sample shall be treated, for the purpose of section 25(5) of the 1972 Act (right to take samples) as being taken only at the time when it is removed from that apparatus.

(6) For the purposes of the said section 25(5), a sample of waste water which is taken and analysed by the operator in compliance with a relevant condition shall not be treated as being taken on behalf of the Department.