
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 489

**The Nitrates Action Programme
Regulations (Northern Ireland) 2006**

PART 7

ENFORCEMENT

Enforcement

21.—(1) The enforcement authority for the purpose of compliance with these Regulations shall be the Department or any person authorised by the Department.

(2) In ensuring compliance with these Regulations an authorised person may have regard to the Code of Good Agricultural Practice and any guidance produced on these Regulations.

(3) A person authorised under Article 72 of the Order may exercise any of the functions under that Article to determine or ensure compliance with these Regulations.

Notices

22.—(1) Where the Department is of the opinion that a controller is in breach or is likely to be in breach of these Regulations or has breached these Regulations in such circumstances which make it likely that the breach will continue or be repeated, the Department may serve a notice on the controller in accordance with this regulation.

(2) A notice served in accordance with paragraph (1) shall:

- (a) require the controller upon whom it is served to carry out such works or to take reasonable precautions and other steps as the Department considers appropriate to remedy, or to prevent the continuation or repetition of, any contravention to which the notice relates;
- (b) state the period within which any such requirement is to be complied with; and
- (c) inform the controller on whom the notice is served of their right to appeal under regulation 23(1).

(3) Subject to paragraph (4), the period for compliance stated in the notice as per paragraph (2) shall be such as is reasonable in the circumstances and shall not in any case be less than 28 days.

(4) A notice under paragraph (2) may be appealed in accordance with regulation 23 and such an appeal shall suspend the period of compliance under paragraph (2)(b).

(5) The Department may at any time: —

- (a) withdraw the notice;
- (b) extend the period for compliance;
- (c) with the consent of the person on whom the notice is served, modify the requirement of the notice.

Appeals against notices requiring works etc

23. Appeals under regulations 9(9), 10(10) and 22(4) shall be determined by the Appeals Commission in accordance with the procedure set down in Article 8 of the Water and Sewerage Services (Northern Ireland) Order 1973 and for the purposes of appeals under these Regulations references to the Department in Article 8 shall have the same meaning as under these Regulations.

Offences

24.—(1) It shall be an offence to fail to comply without reasonable excuse with regulation 4, 6(3), 7(2), 7(3), 7(6), 7(7), 8(2), 9(1) and 10(3).

(2) It shall be an offence to fail to comply with regulation 6(1), 6(2), 7(1), 7(4), 7(5), 7(8), 8(1), 8(3), 8(4), 9(2), 9(8), 10(1), 10(2), 10(9), 11(1), 11(3), 11(4), 12, 13, 14(1)-(4), 15, 17, 18, 19 and 20 of these Regulations.

(3) It shall be an offence for a controller to fail without reasonable cause to comply with the conditions of a notice issued under regulation 22.

Penalties

25. A controller found guilty of an offence under regulation 24 shall be liable:

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale together with a fine of an amount equal to one-tenth of that level for each day upon which the offence continues after the conviction; or
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 2 years or both.