
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2013 No.

The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

PART 7

THE DEPARTMENT'S POWERS

Directions to enforcing authorities

40.—(1) The Department may give directions to enforcing authorities of a general or specific character with respect to the carrying out of any of their functions under these Regulations or the 2003 Landfill Regulations.

(2) Without prejudice to the generality of the power conferred by paragraph (1), a direction under that paragraph may direct enforcing authorities—

- (a) to exercise any of their powers under these Regulations or the 2003 Landfill Regulations or to do so in such circumstances as may be specified in the directions or in such manner as may be so specified; or
- (b) not to exercise those powers, or not to do so in such circumstances or such manner as may be specified in the directions.

(3) Where the Department receives information pursuant to Article 26(1) of the IED in relation to the operation of an installation outside of the United Kingdom which is likely to have a significant negative effect on the environment of Northern Ireland, it shall, for the purpose of complying with Article 26(2) of the IED, direct the chief inspector to take such steps as it considers appropriate for the purpose of bringing the information to the attention of the persons in Northern Ireland likely to be affected by the operation of the installation and providing them with an opportunity to comment on that information.

(4) Where the Department receives information pursuant to Article 26(4) of the IED, it shall, for the purpose of complying with that Article, direct the chief inspector to take such steps as it considers appropriate for the purpose of bringing the information to the attention of persons in Northern Ireland likely to be affected by the operation of the installation to which the information relates.

(5) Any direction given under these Regulations shall be in writing and may be varied or revoked by a further such direction.

(6) It shall be a duty of an enforcing authority to comply with any direction which is given to it under these Regulations.

Guidance to enforcing authorities

41.—(1) The Department may issue guidance to enforcing authorities with respect to the carrying out of any of their functions under these Regulations or the 2003 Landfill Regulations.

(2) An enforcing authority, in carrying out any of its functions under these Regulations or the 2003 Landfill Regulations, shall have regard to any guidance issued by the Department under this regulation.

Plans relating to emissions

42.—(1) Subject to paragraph (3), the Department may make plans for—

- (a) the setting of limits on the total amount, or the total amount in any period, of emissions from all, or any description of, sources within Northern Ireland; or
- (b) the allocation of quotas relating to such emissions.

(2) Where the Department allocates a quota in a plan made under paragraph (1) it may also make a scheme for the trading or other transfer of the quota so allocated.

(3) This regulation shall not apply to an emission plan.

(4) In this regulation—

“emission” means the direct or indirect release of any substance from individual or diffuse sources into the air, water or land; and

“emission plan” has the meaning given in the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007(1).