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STATUTORY INSTRUMENTS

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**1978 No. 1049**

**Pollution Control and Local Government  
(Northern Ireland) Order 1978**

**PART IV**

**POLLUTION OF THE ATMOSPHERE**

Prevention of atmospheric pollution

**Regulations about sulphur content of oil fuel for furnaces or engines**

**55.**—(1) For the purpose of limiting or reducing air pollution, the Department may by regulations impose limits on the sulphur content of oil fuel which is used in furnaces or engines.

(2) The Department, before making any regulations under this Article, shall consult such persons appearing to the Department—

- (a) to represent producers and users of oil fuel;
  - (b) to represent manufacturers and users of plant and equipment for which oil fuel is used; and
  - (c) to be conversant with problems of air pollution;
- as the Department considers appropriate.

(3) Regulations may—

- (a) prescribe the kinds of oil fuel, and the kinds of furnaces and engines, to which the regulations are to apply;
- (b) apply standards, specifications, descriptions or tests laid down in documents not forming part of the regulations;
- (c) authorise the Department to confer exemptions from any provision of the regulations.

(4) It shall be the duty—

- (a) of every district council to enforce the provisions of regulations under this Article within its district, except in relation to a furnace which is part of<sup>[F1]</sup> an installation or plant subject to regulations under Article 4 of the Environment (Northern Ireland) Order 2002 or] a<sup>[F2]</sup> process subject to the Industrial Pollution Control Order or] work subject to the Alkali Act; and

<sup>[F1]</sup>(b) of the inspectors appointed under<sup>F3</sup> the Industrial Pollution Control Order or the regulations mentioned in sub-paragraph (a) to enforce those provisions in relation to such furnaces]

(5) A person who contravenes any provision of regulations under this Article shall be guilty of an offence and liable—

- (a) on conviction on indictment to a fine; and
- (b) on summary conviction to a fine not exceeding<sup>[F4]</sup> level 5 on the standard scale];

so, however, that the regulations may in any case exclude liability to conviction on indictment, and may in any case reduce the maximum fine on summary conviction.

(6) Regulations under this Article shall, subject to any provision to the contrary in the regulations, apply to fuel used for, and to persons in, the public service of the Crown as they apply to fuel used for other purposes and to other persons; but a district council shall not be entitled under this paragraph to exercise, in relation to fuel used for any persons in that service, any power conferred on the council under section 98 of the Local Government Act (Northern Ireland) 1972 or Article 72.

(7) In this Article “oil fuel” means any liquid petroleum product produced in a refinery.

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| <b>F1</b> | 2002 NI 7                |
| <b>F2</b> | 1997 NI 18               |
| <b>F3</b> | prosp. rep. by 2002 NI 7 |
| <b>F4</b> | 1984 NI 3                |

### **Cable burning**

**56.**—(1) A person who burns insulation from a cable with a view to recovering metal from the cable shall be guilty of an offence unless the<sup>F5</sup> burning is part of an activity subject to regulations under Article 4 of the Environment (Northern Ireland) Order 2002 or the<sup>F6</sup> burning is part of a process subject to the Industrial Pollution Control Order<sup>F6</sup> . . . ]

<sup>F5</sup>(2) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

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| <b>F5</b> | 2002 NI 7  |
| <b>F6</b> | 1997 NI 18 |

**Changes to legislation:**

There are currently no known outstanding effects for the Pollution Control and Local Government (Northern Ireland) Order 1978, Prevention of atmospheric pollution.