

SCHEDULES

SCHEDULE 1

PARTICULAR PURPOSES FOR WHICH PROVISION MAY BE MADE UNDER ARTICLE 4

PART I

LIST OF PURPOSES

Enforcement and offences

14.—(1) Conferring on enforcing authorities functions with respect to the monitoring and inspection of the carrying on of activities to which permits relate, including—

- (a) power to take samples or to make copies of information;
- (b) power to arrange for preventive or remedial action to be taken at the expense of holders of permits.

(2) Authorising the appointment of suitable persons to exercise any such functions and conferring powers (such as those specified in Article 17(3) of the Industrial Pollution Control (Northern Ireland) Order 1997 (NI 18)) on persons so appointed.

15.—(1) Authorising enforcing authorities to serve on holders of permits—

- (a) notices requiring them to take remedial action in respect of contraventions, actual or potential, of conditions to which their permits are subject;
- (b) notices requiring them to provide such financial security as the enforcing authorities serving the notices consider appropriate pending the taking of remedial action in respect of any such contraventions;
- (c) notices requiring them to take steps to remove imminent risks of serious environmental pollution (whether or not arising from any such contraventions).

(2) Providing for the enforcement of such notices by proceedings in the High Court.

16. Authorising enforcing authorities to suspend the operation of permits so far as having effect to authorise the carrying on of activities to which they relate.

17. The creation of offences and dealing with matters relating to such offences, including—

- (a) the provision of defences; and
- (b) evidentiary matters.

18. Enabling, where a person has been convicted of an offence under the regulations—

- (a) a court dealing with that person for the offence to order the taking of remedial action (in addition to or instead of imposing any punishment); or
- (b) an enforcing authority to arrange for such action to be taken at that person's expense.

Changes to legislation:

There are currently no known outstanding effects for the The Environment (Northern Ireland) Order 2002, Cross Heading: Enforcement and offences.