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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 160**

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

**PART 3**

**ENFORCEMENT**

**Suspension notices**

**28.**—(1) If the enforcing authority is of the opinion, in respect of an installation or mobile plant authorised under these Regulations, that the operation of the installation or mobile plant, or the operation of it in a particular manner, involves an imminent risk of serious pollution, it shall, unless it intends to arrange for steps to be taken under regulation 29(1) in relation to the risk, serve a notice under this regulation (a “suspension notice”) on the operator of the installation or mobile plant.

(2) Paragraph (1) applies whether or not the particular manner of operating the installation or mobile plant in question is regulated by or contravenes a condition of the permit.

(3) If the chief inspector is of the opinion, in respect of the carrying out of specified waste management activities under a permit, that the operator carrying out the activities has ceased to be a fit and proper person in relation to those activities by reason of their management having ceased to be in the hands of a technically competent person, the chief inspector may serve a suspension notice on that operator.

(4) A suspension notice shall—

- (a) state the enforcing authority’s opinion, as mentioned in paragraph (1) or (3);
- (b) in the case of a notice served under paragraph (1), specify—
  - (i) the imminent risk involved in the operation of the installation or mobile plant;
  - (ii) the steps that must be taken to remove it and the period within which they must be taken;
- (c) state that any relevant permit shall, until the notice is withdrawn, cease to have the effect of authorising the operation of the installation or mobile plant or the carrying out of specified activities in the installation or by means of the mobile plant;
- (d) where any relevant permit is to continue to have the effect of authorising the carrying out of activities, state any steps, in addition to those already required to be taken by the conditions of the permit, that are to be taken in carrying out those activities; and
- (e) be in writing.

(5) Where a suspension notice is served under this regulation any relevant permit shall, on the service of the notice, cease to have effect as stated in the notice.

(6) The enforcing authority may withdraw a suspension notice at any time, by further notice served on the operator, and shall withdraw a notice when it is satisfied—

- (a) in the case of a notice served under paragraph (1), that the steps required by the notice to remove the imminent risk of serious pollution have been taken; and
- (b) in the case of a notice served under paragraph (3), that the management of the specified waste management activities is in the hands of a technically competent person.