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DRAFT STATUTORY INSTRUMENTS

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**1999 No.**

**Water (Northern Ireland) Order 1999**

**PART II**

**FUNCTIONS OF THE DEPARTMENT OF THE ENVIRONMENT  
IN RELATION TO MATTERS AFFECTING WATER**

*Prevention of pollution of water*

**Pollution, etc., of water**

7.—(1) Subject to the following provisions of this Part, a person commits an offence if, whether knowingly or otherwise—

- (a) he discharges or deposits any poisonous, noxious or polluting matter so that it enters a waterway or water contained in any underground strata; or
- (b) he discharges or deposits any matter so that it enters a waterway or water contained in any underground strata and tends either directly or in combination with similar acts (whether his own or those of another) to impede the proper flow of the water of the waterway or strata in a manner leading or likely to lead to pollution or a substantial aggravation of pollution due to other causes or of its consequences.

(2) A person does not commit an offence under paragraph (1) if he discharges any matter into a public sewer or public sewage treatment works, so that it enters a waterway or water contained in underground strata, if the Department is bound to receive the matter, or it has consented to do so unconditionally, or it has consented to do so subject to conditions and the person observes the conditions.

(3) Where a person is charged with an offence under paragraph (1), it shall be a defence to prove that he exercised all reasonable care to prevent the discharge or deposit of the matter in question.

(4) On a person's conviction of an offence under paragraph (1), the court by or before which he is convicted may on the application of the Department, of which not less than 10 days' notice has been given to the person charged, make an order directing him to take such measures as the court may consider necessary to remedy or nullify any contravention of paragraph (1).

(5) A person who fails to comply with an order under paragraph (4) shall be guilty of an offence.

(6) In paragraph (1) any reference to matter entering a waterway or water contained in any underground strata includes a reference to its entering the waterway or water by being carried into it.

(7) A person guilty of an offence under this Article shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding £20,000 or to both.