
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 482

**Water Abstraction and Impoundment
(Licensing) Regulations (Northern Ireland) 2006**

PART 7

Offences

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- 25.**—(1) It is an offence for a person to—
- (a) contravene regulation 4;
 - (b) fail to comply with the requirements of a notice issued under regulation 20(2);
 - (c) intentionally to make a false entry in any record required to be kept as a condition of a licence;
 - (d) with intent to deceive, forge or use a document issued or authorised to be issued under a condition of a licence or required for any purpose under a condition of such a licence or to make or have in that person's possession a document so closely resembling any such document so as to be likely to deceive;
 - (e) cause any person to commit an offence under sub-paragraphs (b) to (d) .
- (2) A person guilty of an offence under paragraph (1)(a), (b) or (e) shall be liable—
- (a) on summary conviction—
 - (i) to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or to both; and
 - (ii) in the case of a continuing offence, to a further fine not exceeding £200 for every day during which the offence is continued after conviction;
 - (b) on conviction on indictment—
 - (i) to a fine or to imprisonment for a term not exceeding 5 years, or to both; and
 - (ii) in the case of a continuing offence to a further fine for every day during which the offence is continued after conviction.
- (3) A person guilty of an offence under paragraph (1)(c) or (d) shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

Offences by bodies corporate

26. For the purposes of these Regulations section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited”

and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Defence to principal offences in respect of authorised activities

27. A person shall not be guilty of an offence under regulation 25(1)(a), (b), or (e) where the contravention is a result of—

- (a) an accident which could not reasonably have been foreseen; or
- (b) natural causes which are exceptional and could not reasonably have been foreseen,

provided that—

- (i) all practicable steps are taken to prevent deterioration of the water environment;
- (ii) all practicable steps are taken as soon as is reasonably practicable to restore the water environment to its condition prior to the contravention; and
- (iii) particulars of the contravention are furnished to the Department as soon as is reasonably practicable. .

Power of court to order offence to be remedied

28.—(1) Where—

- (a) a person is convicted of an offence under regulation 25(1)(a), (b) or (e) in respect of any controlled activity which has had a significant adverse impact on the water environment; and
- (b) it appears to the court that it is in the power of that person to mitigate or remedy that adverse impact,

the court may in addition to or instead of imposing any punishment, order that person within such time as may be fixed by the order of the court to take such steps as may be specified in that order for mitigating or remedying the adverse impact.

(2) Before making such an order, the court shall have regard to any representations by the Department as to the steps required to mitigate or remedy the adverse impact.

(3) The time fixed by an order of the court under paragraph (1) may be extended or further extended by an order of the court on an application made before the end of the time originally fixed or extended under this paragraph.