

STATUTORY INSTRUMENTS

1983 No. 150

The Quarries (Northern Ireland) Order 1983

Legal proceedings

Offences

20.—(1) Subject to paragraph (2), any person who contravenes any of the provisions of Articles ^{F1} . . . 10 and 11^{F2} . . . shall be guilty of an offence.

(2) In the event of a contravention of any of the provisions mentioned in paragraph (1), the owner, occupier and agent of the quarry, as well as the person mentioned in that paragraph, shall each be guilty of an offence unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, those provisions to prevent that contravention.

(3) ^{F3}

(4) ^{F4}

(5) ^{F5}

(6) Where Article ^{F6} . . . 18 is contravened the owner, occupier or agent of the quarry shall be guilty of an offence.

(7) ^{F7}

(8) ^{F8}

(9) ^{F9}

(10) ^{F10}

F1 Words in art. 20(1) omitted (1.8.2006) by virtue of Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(4)**

F2 1990 NI 2

F3 Art. 20(3) repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

F4 Art. 20(4) repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

F5 Art. 20(5) repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

F6 Words in art. 20(6) omitted (1.8.2006) by virtue of Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(5)**

F7 Art. 20(7) repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

F8 Art. 20(8) repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

F9 Art. 20(9) repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

F10 Art. 20(10) repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

Defence available to owners, occupiers and agents

21. In any proceedings under this Order against the owner, occupier, or agent of a quarry in respect of an offence it shall be a defence for the person charged to prove—

- (a) that he was not in the habit of taking, and did not in respect of the matters in question take, any part in the management of the quarry; and
- (b) that the offence was committed without his knowledge, consent or connivance.

Restriction on institution of proceedings

22.—(1) Summary proceedings for an offence under this Order shall not be instituted against the owner, occupier or agent of a quarry except by an inspector or with the consent in writing of^[F11] the Executive].

(2) Where an owner, occupier or agent of a quarry proves that he had taken all reasonable means to prevent the contravention of any of the provisions of ^[F12]Articles 10 and 11^[F13] . . . , an inspector, if satisfied that the owner, occupier or agent had taken all such reasonable means, shall not institute any prosecution in respect of an offence under Article 20 (2) or (5).

F11 SR 1999/150

F12 Words in art. 22(2) substituted (1.8.2006) by [Quarries Regulations \(Northern Ireland\) 2006 \(S.R. 2006/205\)](#), regs 1(1), **41(6)**

F13 1990 NI 2

Proceedings against persons other than owner, etc.

23. Where, under this Order, any person is substituted for the owner, occupier, or agent, with respect to any provisions of this Order, any order, summons, notice or proceeding which, for the purpose of any of those provisions, is by this Order required or authorised to be served on, or taken in relation to, the owner, occupier, or agent shall be served on, or taken in relation to, that person.

Prosecution by inspectors

24. An inspector, if authorised in that behalf in writing by^[F14] the Executive], may, although he is not of counsel or a solicitor, prosecute, conduct or defend before a court of summary jurisdiction any information complaint or other proceeding arising under this Order or in the discharge of his duty as inspector.

F14 SR 1999/150

Extension of time for bringing summary proceedings

25.—(1) Where with respect to, or in consequence of, any accident in a quarry—

- (a) a report is made—
 - (i) by the inspector directed to make a special report under this Order, or
 - (ii) by the court appointed to hold a formal investigation, or
- (b) a coroner's inquest is held,

and it appears from the report or from proceedings at the inquest that any of the provisions of this Order, or any rules made under this Order, was contravened at or before the time of the accident, summary proceedings against any person liable to be proceeded against in respect of the

contravention may be commenced at any time within 3 months after the making of the report or the conclusion of the inquest.

(2) Where an offence under this Order is committed by reason of a failure to do something at or within a time specified by or under this Order, the offence shall be deemed to continue until the thing is done.

Evidence

26. In any proceedings under this Order—

- (a) it shall be sufficient to allege that the quarry is a quarry within the meaning of this Order;
- (b) it shall be sufficient to state the name of the ostensible owner or occupier of the quarry, or the title of the firm or company;
- (c) the court shall, if required by either party, cause minutes of the evidence to be taken and preserved.

Power of court to adjourn

27. If the court, before whom a person is charged with an offence under this Order, thinks that proceedings ought to be taken against that person for an offence under any other Act or otherwise, the court may adjourn the case to enable such proceedings to be taken.

Changes to legislation:

There are currently no known outstanding effects for the The Quarries (Northern Ireland) Order 1983, Legal proceedings.