

1994 No. 147

EUROPEAN COMMUNITIES

PUBLIC HEALTH

**The Pollution of Groundwater by Dangerous Substances
Regulations (Northern Ireland) 1994**

Made 13th April 1994

Coming into operation 4th May 1994

The Department of the Environment, being a department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the prevention, reduction and elimination of pollution of water, in exercise of the powers conferred on it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pollution of Groundwater by Dangerous Substances Regulations (Northern Ireland) 1994 and shall come into operation on 4th May 1994.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the Department” means the Department of the Environment;

“the Directive” means Council Directive 80/68/EEC(d);

“groundwater” and “pollution” have the meanings assigned respectively by Article 1.2(a) and Article 1.2(d) of the Directive.

Exceptions

3. These Regulations shall not apply to—

(a) discharges of domestic effluents from isolated dwellings not connected to a sewerage system and situated outside areas protected for the abstraction of water for human consumption;

(a) S.I. 1989/2393

(b) 1972 c. 68

(c) 1954 c. 33 (N.I.)

(d) O.J. No. L20, 26.1.80, p. 43

- (b) discharges which are found by the Department to contain substances mentioned in List I or II of the Annex to the Directive in a quantity and concentration so small as to obviate any present or future danger of deterioration in the quality of the receiving groundwater;
- (c) discharges of matter containing radioactive substances.

Prevention of pollution of groundwater

4. The Department shall in accordance with the Directive take the necessary steps to—

- (a) prevent the introduction into groundwater of substances in List I of the Annex to the Directive; and
- (b) limit the introduction into groundwater of substances in List II of the Annex to the Directive so as to avoid pollution of this water by these substances.

Consent to discharge

5. A person shall not without the written consent of the Department discharge or deposit any of the substances referred to in regulation 4, so as to allow their entry into groundwater.

Offences

6. A person who contravenes regulation 5 or any conditions or requirements imposed under that regulation shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £2,000(a) and, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

Sealed with the Official Seal of the Department of the Environment on
13th April 1994

(L.S.)

R. W. Rogers

Assistant Secretary

(a) See para 1(1)(d) of Sch 2 to 1972 c. 68 read with Arts 5 and 8 of the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)) as amended by Schedule 4 to S.R. 1984 No. 253

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations give effect to Council Directive 80/68/EEC (O.J. No. L20, 26.1.80, p. 43) ("the Directive") on the protection of groundwater against pollution caused by certain dangerous substances.

Regulation 4 requires the Department of the Environment to take appropriate steps to prevent the introduction into groundwater of the dangerous substances in List I of and limit the introduction of the dangerous substances in List II of, the Annex to the Directive.

Regulation 5 provides that a person shall not without the written consent of the Department make a discharge of such substances into groundwater.

Regulation 6 provides that a person who contravenes regulation 5 or any conditions or requirements imposed under that regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000. On conviction on indictment the penalty is a fine, or a term of imprisonment not exceeding 2 years, or both.

Copies of Council Directives and of extracts from the Official Journal of the European Communities (O.J.) are available from Her Majesty's Stationery Office, 16 Arthur Street, Belfast BT1 4GD.