

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Pollution Prevention and Control Regulations (Northern Ireland) 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY RULES OF NORTHERN IRELAND

2003 No. 46

The Pollution Prevention and Control Regulations (Northern Ireland) 2003

PROSPECTIVE

PART 1 GENERAL

Discharge and scope of functions

7.—(1) This regulation determines the authority by whom the functions conferred or imposed by these Regulations on an enforcing authority are exercisable and the purposes for which they are exercisable.

(2) Those functions, in their application to a Part A installation or Part A mobile plant, shall be functions of the chief inspector and shall be exercisable for the purpose of achieving a high level of protection of the environment taken as a whole by, in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land.

(3) Those functions, in their application to a Part B installation or Part B mobile plant, shall be functions of the chief inspector and shall be exercisable for the purpose of preventing or, where that is not practicable, reducing emissions into the air.

(4) Those functions, in their application to a Part C installation, shall be functions of the district council in whose district the installation is (or will be) situated and shall be exercisable for the purpose of preventing or, where that is not practicable, reducing emissions into the air.

(5) Those functions, in their application to a Part C mobile plant, shall be functions of—

- (a) where the operator of the mobile plant has his principal place of business in Northern Ireland, the district council in whose district that place of business is;
- (b) where the operator of the mobile plant has his principal place of business outside of Northern Ireland and the mobile plant is not covered by a permit, the district council in whose district the plant is first operated or, where the plant has not been operated in Northern Ireland, the district council in whose district it is intended by the operator that the plant should first be operated;
- (c) where the operator has his principal place of business outside of Northern Ireland and the mobile plant is covered by a permit, the district council which granted the permit,

and shall be exercisable for the purpose of preventing or, where that is not practicable, reducing emissions into the air.

(6) The Department may, as respects functions under these Regulations exercisable by a district council specified in the direction, direct that those functions shall be exercised instead by the chief inspector while the direction remains in force or during a period specified in the direction.

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Pollution Prevention and Control Regulations (Northern Ireland) 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(7) A transfer of functions under paragraph (6) to the chief inspector relating to Part C installations or Part C mobile plant does not make them exercisable by the chief inspector for any other purpose than that mentioned in paragraphs (4) and (5).

(8) The Department may, as respects functions under these Regulations exercisable by the chief inspector in respect of Part B installations specified in the direction, direct that those functions shall be exercised instead by a district council while the direction remains in force or during a period specified in the direction.

(9) A direction under paragraph (6) may transfer functions exercisable by a district council in relation to all or any description of installations or mobile plant (a “general direction”) or in relation to a specific installation or mobile plant specified in the direction (a “specific direction”) but a direction under paragraph (8) may only be a specific direction.

(10) A direction under paragraph (6) or (8) may include such saving and transitional provisions as the Department considers necessary or expedient.

(11) The Department, on giving or withdrawing a general direction under paragraph (6), shall—

- (a) serve notice of it on the chief inspector and on the district councils affected by the direction; and
- (b) cause notice of it to be published as soon as practicable in the Belfast Gazette and in at least two newspapers circulating in the district of each district council affected by the direction,

and any such notice shall specify the date on which the direction is to take (or took) effect and (where appropriate) its duration.

(12) The Department, on giving or withdrawing a specific direction under paragraph (6) or (8), shall—

- (a) serve notice on the chief inspector, the district council and the operator or the person appearing to the Department to be the operator of the installation or mobile plant affected; and
- (b) cause notice of it to be published in the Belfast Gazette and in at least two newspapers circulating in the district council’s district,

and any such notice shall specify the date on which the direction is to take (or took) effect and (where appropriate) its duration.

(13) The requirements of sub-paragraph (b) of paragraph (11), or, as the case may be, sub-paragraph (b) of paragraph (12) shall not apply in any case where, in the opinion of the Secretary of State, the publication of the notice in accordance with that sub-paragraph would be contrary to the interests of national security.

(14) It shall be the duty of enforcing authorities to follow developments in best available techniques.

Commencement Information

11 Reg. 7 in operation at 31.3.2003, see [reg. 1](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Pollution Prevention and Control Regulations (Northern Ireland) 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations excluded by [S.R. 2012/453 Sch. 3 para. 8](#)
- Regulations excluded by [S.R. 2013/160 Sch. 3 para. 8](#)
- Regulations revoked by [S.R. 2012/453 Sch. 17](#)
- Regulations revoked by [S.R. 2013/160 Sch. 17](#)
- Regulations text amended by [S.R. 2010/165 reg. 4\(1\)](#)
- Regulations words substituted by [S.R. 2004/36 reg. 8\(3\)](#)
- Regulations words substituted by [S.R. 2005/300 Sch. 10 para. 8\(2\)](#)
- Regulations words substituted by [S.R. 2005/300 Sch. 10 para. 8\(3\)](#)
- reg. 7 coming into force by [S.R. 2003/46 reg. 1](#)
- reg. 7(3) words inserted by [S.R. 2004/36 reg. 8\(4\)\(a\)](#)
- reg. 7(4) words inserted by [S.R. 2004/36 reg. 8\(4\)\(c\)](#)
- reg. 7(7) words inserted by [S.R. 2004/36 reg. 8\(4\)\(e\)](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 1 Ch. 5 modified by [S.R. 2005/300 Sch. 10 para. 8\(4\)](#)
- Sch. 1 Pt. A(c)s. 6(8) words inserted by [S.R. 2003/390 reg. 5\(5\)\(b\)](#)
- Sch. 1 s. 5(2)Pt. A words inserted by [S.R. 2003/496 reg. 6\(1\)](#)
- Sch. 1 Pt.01Cs. 1(2)para. (b) words substituted by [S.R. 2004/507 reg. 3\(2\)](#)
- Sch. 1 Pt. 1 Ch. 2(crossheading)(ferrous)(metals) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 2(crossheading)(surface)(treating)Ch. 2(metals)(and)(plastic)(materials) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 3(crossheading)(production)(of)Ch. 3(cement)(and)(lime) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 3(crossheading)(activities)(involving)(asbestos) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 3(crossheading)(manufacturing)Ch. 3(glass)(and)(glass)(fibre) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 3(crossheading)(production)(of)(other)(mineral)(fibres) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 3(crossheading)(ceramic)(production) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 4(crossheading)(organic)(chemicals) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 4(crossheading)(inorganic)(chemicals) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 4(crossheading)(chemical)(fertiliser)(production) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 4(crossheading)(plant)(health)Ch. 4(products)(and)(biocides) coming into force by [S.R. 2003/46 reg. 1](#)

- Sch. 1 Pt. 1 Ch. 4(crossheading)(pharmaceutical)(production) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 4(crossheading)(explosives)(production) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 4(crossheading)(manufacturing)(activities)(involving)(carbon) (disulphide)(or)(ammonia) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 4(crossheading)(the)(storage)(of)(chemicals)(in)(bulk) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 5(crossheading)(disposal)(of)(waste)(by)(incineration) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 5(crossheading)(disposal)(of)(waste)(by)(landfill) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 5(crossheading)(the)(production)(of)(fuel)(from)(waste) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 6(crossheading)(paper)Ch. 6(pulp)(and)(board)(manufacturing) (activities) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 6(crossheading)(carbon)(activities) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 6(crossheading)Ch. 6(tar)(and)(bitumen)(activities) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 6(crossheading)(timber)(activities) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 6(crossheading)(activities)(involving)(rubber) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 Ch. 6(crossheading)(intensive)(farming) coming into force by [S.R. 2003/46 reg. 1](#)
- Sch. 1 Pt. 1 s. 7 inserted by [S.R. 2004/36 reg. 8\(9\)\(a\)](#)Sch. 1
- Sch. 1 Pt. 1 s. 5(1) omitted by [S.R. 2003/390 reg. 5\(5\)\(a\)](#)
- Sch. 1 Pt. 1 s. 5(1) substituted by [S.R. 2003/390 reg. 5\(5\)\(a\)](#)
- Sch. 1 Pt. 1 s. 7(2) words substituted by [S.R. 2005/454 reg. 2\(2\)](#)
- Sch. 1 Pt. 2 para. 2(2) substituted by [S.R. 2004/36 reg. 8\(9\)\(b\)](#)
- Sch. 1 Pt. 2 para. 3-7 words inserted by [S.R. 2004/36 reg. 8\(9\)\(c\)](#)
- Sch. 1 Pt. 3 para. 17 omitted by [S.R. 2003/390 reg. 5\(6\)](#)
- Sch. 2 Pt. 2 para. 7A inserted by [S.R. 2004/36 reg. 8\(9\)\(d\)](#)
- Sch. 2 Pt. 2 para. 9(4) words inserted by [S.R. 2004/36 reg. 8\(9\)\(e\)](#)
- Sch. 2 Pt. 2 para. 10(2)(3) words inserted by [S.R. 2004/36 reg. 8\(9\)\(e\)](#)
- Sch. 2 Pt. 3 para. 20 substituted by [S.R. 2004/36 reg. 8\(9\)\(f\)](#)
- Sch. 3 para. 2(11)(12)(13) inserted by [S.R. 2003/496 Sch. 5 para. 1\(12\)\(b\)](#)
- Sch. 3 Pt. 34 inserted by [S.R. 2004/36 reg. 8\(10\)\(b\)](#)Sch. 2
- Sch. 3 pt. 5 inserted by [S.R. 2007/245 Sch.](#)
- Sch. 3 Pt. B para.. 4(1) omitted by [S.R. 2003/390 reg. 4\(a\)](#)
- Sch. 3 para. 2(2)s. 5.02 substituted by [S.R. 2006/280 reg. 6\(2\)](#)
- Sch. 3 Pt. A para. 4(1) omitted by [S.R. 2003/390 reg. 4\(a\)](#)
- Sch. 3 Pt. C para. 4(1) omitted by [S.R. 2003/390 reg. 4\(a\)](#)
- Sch. 3 Pt. 1 para. 5(3) inserted by [S.R. 2004/36 reg. 8\(10\)\(a\)\(ii\)](#)
- Sch. 3 Pt. 1 para. 6(a) words inserted by [S.R. 2003/390 reg. 5\(7\)\(b\)](#)
- Sch. 3 Pt. 1 para. 6(bb) words inserted by [S.R. 2003/390 reg. 5\(7\)\(c\)](#)
- Sch. 3 Pt. 1 para. 2(2) words omitted by [S.R. 2003/390 reg. 5\(7\)\(a\)](#)
- Sch. 3 Pt. 1 para. 6 words substituted by [S.R. 2003/390 reg. 4\(b\)\(i\)](#)
- Sch. 3 Pt. 1 para. 6 words substituted by [S.R. 2003/390 reg. 4\(b\)\(ii\)](#)
- Sch. 3 Pt. 1 para. 6 words substituted by [S.R. 2003/390 reg. 4\(b\)\(iii\)](#)
- Sch. 3 Pt. 1 para. 2(2) words substituted by [S.R. 2003/390 reg. 5\(7\)\(a\)](#)
- Sch. 3 Pt. 1 para. 5(1) words substituted by [S.R. 2004/36 reg. 8\(10\)\(a\)\(i\)](#)
- Sch. 4 para. 1(3) inserted by [S.R. 2004/36 reg. 8\(11\)\(d\)](#)
- Sch. 4 para. 1B inserted by [S.R. 2004/36 reg. 8\(11\)\(e\)](#)
- Sch. 4 para. 3A inserted by [S.R. 2004/36 reg. 8\(11\)\(f\)](#)
- Sch.4 para. 1B(2)(ii) substituted by [S.R. 2010/165 reg. 3\(1\)\(c\)\(i\)](#)
- Sch.4 para. 1B(2)(ii) substituted by [S.R. 2010/165 reg. .003\(1\)\(d\)](#)

- Sch. 4 Pt. 1 para. 1A added by S.R. 2003/496 Sch. 5 para. 1(13)
- Sch. 4 Pt. 1 para. 5(b) excluded by S.R. 2003/496 reg. 6(4)
- Sch. 4 Pt. 1 para. 1A inserted by S.R. 2003/390 reg. 5(8)(b)
- Sch. 4 Pt. 1 para. 1(1)(d) words inserted by S.R. 2003/390 reg. 5(8)(a)
- Sch. 7 para. 2A inserted by S.R. 2004/36 reg. 8(12)(a)
- Sch. 7 para. 000(4) substituted by S.R. 2004/36 reg. 8(12)(b)
- Sch. 7 Pt. 1 para. 1(g) inserted by S.R. 2003/390 reg. 5(9)
- Sch. 7 Pt. 2 para. 4(8)(b) excluded by S.R. 2003/496 reg. 6(4)
- Sch. 10 para. 1(aa) inserted by S.R. 2003/390 reg. 5(10)
- Sch. 10 para. 1(w)(y) inserted by S.R. 2003/496 Sch. 5 para. 1(14)(d)
- reg. 2(2A) inserted by S.R. 2003/390 reg. 5(2)(b)
- reg. 2(6) inserted by S.R. 2010/165 reg. 003(1)(b)
- reg. 4(3)(b)-(d) substituted for reg. 4(3)(b)(c) by S.R. 2003/496 Sch. 5 para. 1(2)(a)
- reg. 4(5A) inserted by S.R. 2003/496 Sch. 5 para. 1(2)(b)
- reg. 7(3A) inserted by S.R. 2004/36 reg. 8(4)(b)
- reg. 7(4A) inserted by S.R. 2004/36 reg. 8(4)(d)
- reg. 12(8A)-(8B) inserted by S.I. 2003/3311 Sch. 5 para. 4(a)(iii)
- reg. 12A inserted by S.R. 2004/36 reg. 8(6)
- reg. 12B inserted by S.R. 2009/159 reg. 7
- reg. 12C12D inserted by S.R. 2011/127 reg. 34(3)
- reg. 12D(5)(b) word substituted by S.R. 2013/241 reg. 8(2)(a)
- reg. 12D(7) words substituted by S.R. 2013/241 reg. 8(2)(b)
- reg. 15(6) applied (with modifications) by S.R. 2003/496 Sch. 4 para. 1(8)(a)(iv)
- reg. 19(1A) inserted by S.R. 2003/390 reg. 5(3)(b)
- reg. 20(1A) inserted by S.R. 2003/390 reg. 5(4)
- reg. 28(1)(g)(h) inserted by S.R. 2003/496 Sch. 5 para. 1(7)(a)
- reg. 28(8A) inserted by S.R. 2003/496 Sch. 5 para. 1(7)(c)
- reg. 28(11) inserted by S.R. 2003/496 Sch. 5 para. 1(7)(e)