

STATUTORY RULES OF NORTHERN IRELAND

2007 No. 421

The Environmental Impact Assessment
(Agriculture) Regulations (Northern Ireland) 2007

PART 4 **N.I.**

Enforcement

Offence of carrying out a project without a decision under these Regulations **N.I.**

21.—(1) Any person who begins or carries out an uncultivated land project or a restructuring project in breach of—

- (a) regulation 4, or
- (b) regulation 9,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) In any proceedings under this regulation which relate to an uncultivated land project, any area of land which the prosecution alleges to be uncultivated land shall be assumed to be uncultivated land unless sufficient evidence is adduced to raise an issue that it is not uncultivated land, in which case the prosecution must prove beyond reasonable doubt that the land is uncultivated land.

Commencement Information

I1 [Reg. 21](#) in operation at 5.11.2007, see [reg. 1](#)

Offence of carrying out work in contravention of a condition **N.I.**

22. Any person who carries out any activity in contravention of any condition of consent is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

I2 [Reg. 22](#) in operation at 5.11.2007, see [reg. 1](#)

Offence of procuring a decision by supplying false information **N.I.**

23.—(1) Any person who, for the purpose of procuring a decision on an application made under these Regulations—

- (a) knowingly or recklessly makes a statement which is false or misleading in a material particular,

- (b) with intent to deceive, uses any document which is false or misleading in a material particular, or
 - (c) with intent to deceive, withholds any material information,
- is guilty of an offence.
- (2) A person guilty of an offence under paragraph (1) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine.

Commencement Information

I3 Reg. 23 in operation at 5.11.2007, see [reg. 1](#)

Stop notices **N.I.**

24.—(1) If a person has begun an uncultivated land project or a restructuring project in breach of—

- (a) regulation 4, or
- (b) regulation 9,

the Department may serve a notice (a “stop notice”) prohibiting all or part of the work with immediate effect.

(2) The Department may serve a stop notice on any person who appears to it to have an interest in the relevant land or to be engaged in any activity prohibited by the notice.

(3) The Department may withdraw a stop notice (without affecting its power to serve another) at any time by serving notice to that effect on the persons served with a stop notice.

(4) A stop notice ceases to have effect if—

- (a) a notice withdrawing it is served under paragraph (3);
- (b) The Department [^{F1}(or on appeal the appointed person)] decides that the prohibited work is not a significant project; or
- (c) The Department grants consent for the prohibited work.

Textual Amendments

F1 Words in [reg. 24\(4\)\(b\)](#) substituted (31.7.2008) by [The Environmental Impact Assessment \(Agriculture\) \(Amendment\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/278\)](#), [regs. 1\(1\), 4](#)

Commencement Information

I4 Reg. 24 in operation at 5.11.2007, see [reg. 1](#)

Penalties for contravention of a stop notice **N.I.**

25.—(1) Any person who contravenes a stop notice that has been served on him is guilty of an offence.

(2) An offence under this regulation may be charged by reference to any day or any longer period of time, and a person may be convicted of a second or subsequent offence under this regulation by reference to any period of time following the preceding conviction for such an offence.

(3) References in this regulation to contravening a stop notice mean causing or permitting its contravention.

(4) A person guilty of an offence under this regulation is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment, to a fine.

Commencement Information

I5 [Reg. 25](#) in operation at 5.11.2007, see [reg. 1](#)

Reinstatement notices **N.I.**

26.—(1) If a person has carried out an uncultivated land project or a restructuring project in breach of—

- (a) regulation 4, or
- (b) regulation 9,

the Department may serve a notice (“a reinstatement notice”) on the person who appears to it to be responsible.

(2) A reinstatement notice may require the person—

- (a) to reinstate, to the Department’s satisfaction, the relevant land to the condition it was in before the project was commenced, or
- (b) to take such other steps as the Department thinks fit to return the relevant land to good environmental condition.

(3) A reinstatement notice must state the period during which the reinstatement is to be carried out.

(4) The Department may at any time—

- (a) vary a reinstatement notice, or
- (b) withdraw a reinstatement notice (without affecting its power to serve another),

by serving notice to that effect on the person served with the reinstatement notice.

(5) Any variation of a reinstatement notice under paragraph (4)(a) has effect from the date of service of the notice varying the reinstatement notice.

(6) A reinstatement notice ceases to have effect from the date of service of a notice withdrawing it under paragraph (4)(b).

Commencement Information

I6 [Reg. 26](#) in operation at 5.11.2007, see [reg. 1](#)

Penalty for contravening a reinstatement notice **N.I.**

27. Any person who, without reasonable excuse, fails to comply with any requirement of a reinstatement notice is guilty of an offence and liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale; and
- (b) if the failure is continued after conviction, to a further fine not exceeding £100 for every day the failure continues.

Commencement Information

17 [Reg. 27](#) in operation at 5.11.2007, see [reg. 1](#)

Time limits for bringing proceedings **N.I.**

28.—(1) Proceedings for any offence under regulation 21 to 23, 25 or 27 may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(2) But proceedings for an offence may not be commenced more than 2 years after the date on which the offence was committed.

(3) For the purposes of paragraph (1), a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Commencement Information

18 [Reg. 28](#) in operation at 5.11.2007, see [reg. 1](#)

Powers of entry and default powers **N.I.**

29.—(1) Any person authorised by the Department may, at any reasonable time, enter and inspect any land for the purpose of—

- (a) ascertaining whether regulation 4 or 9 has been breached;
- (b) ascertaining whether an offence under regulation 21 to 23, 25 or 27 has been committed on or in connection with that land;
- (c) serving a screening notice, stop notice or reinstatement notice in respect of that land; or
- (d) exercising any function under Schedule 4.

(2) Any person authorised by the Department who has reasonable grounds for suspecting that a person has committed an offence under regulation 23, may enter any premises (but not premises used only as a dwelling) which are, or which such person has cause to believe to be, occupied by, or in the possession of, the person believed to be responsible for committing the offence, and may inspect and take copies of any records he has reasonable cause to believe are relevant to the suspected offence.

(3) If any measures required by a reinstatement notice or by a notice served under paragraph 5 of Schedule 4 have not been taken within the period specified in the notice—

- (a) any person authorised by the Department may, at a reasonable time, enter the land to which the notice relates and take those measures, and
- (b) recover from the person in default the expenses reasonably incurred by him in doing so.

(4) A person authorised under paragraph (1) to enter any land may remove—

- (a) samples of soil;
- (b) plant specimens; or
- (c) samples taken from plant specimens,
- (d) rock samples

for the purpose of ascertaining whether an offence has been committed on or in connection with that land.

(5) A person authorised under paragraph (1), (2) or (3) to enter any land or premises must, if requested to do so, produce evidence of his authority to enter the land or premises.

(6) A person authorised under paragraph (1), (2) or (3) to enter any land or premises may take with him such other persons or such equipment as he considers necessary.

(7) Any person in occupation or possession of land or premises entered by a person authorised under paragraph (1), (2) or (3) must give to that person such assistance as the authorised person may reasonably request so as to enable him to exercise any power conferred on him by this regulation.

(8) A person who intentionally obstructs or impedes any person acting in the exercise of the powers conferred by this regulation or who fails without reasonable excuse to comply with a request made under paragraph (7) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

19 [Reg. 29](#) in operation at 5.11.2007, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007, PART 4.