
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 160

The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

PART 6

PROVISION AS TO OFFENCES

Offences

36.—(1) It is an offence for any person—

- (a) to contravene regulation 9(1);
- (b) to fail to comply with or to contravene a condition of a permit;
- (c) to fail to comply with regulation 18(1);
- (d) to fail to comply with the requirements of an enforcement or a suspension notice served under regulation 27 or 28 or a compliance or closure notice served under regulation 15A or 16 of the 2003 Landfill Regulations;
- (e) without reasonable excuse to fail to comply with any requirement imposed under regulation 30;
- (f) without reasonable excuse—
 - (i) to fail or refuse to provide facilities or assistance or any information or to permit any inspection reasonably required by an inspector in the execution of their powers or duties under regulation 30; or
 - (ii) to prevent any other person from appearing before an inspector, or answering any questions to which an inspector may require an answer, pursuant to regulation 30(3);
- (g) without reasonable excuse to fail to comply with any requirement imposed by a notice under regulation 32(2);
- (h) to make a statement which they know to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in a material particular, where the statement is made—
 - (i) in purported compliance with a requirement to furnish any information imposed by or under these Regulations or the 2003 Landfill Regulations; or
 - (ii) for the purpose of obtaining the grant of a permit to themselves or any other person, or the variation, transfer or surrender of a permit;
- (i) intentionally to make a false entry in any record required to be kept under a condition of a permit;
- (j) with intent to deceive, to forge or use a document issued or authorised to be issued under a condition of a permit or required for any purpose under a condition of a permit or to make or have in their possession a document so closely resembling any such document as to be likely to deceive;

- (k) to fail to comply with an order made by a court under regulation 39;
 - (l) intentionally to obstruct an inspector in the exercise or performance of his powers or duties;
or
 - (m) falsely to pretend to be an inspector.
- (2) A person guilty of an offence under sub-paragraph (a), (b), (d) or (k) of paragraph (1) shall be liable—
- (a) on summary conviction, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months or to both; and
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or to both.
- (3) A person guilty of an offence under sub-paragraph (c), (g), (h), (i) or (j) of paragraph (1) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (4) A person guilty of an offence under sub-paragraph (e), (f) or (m) of paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) A person guilty of an offence under sub-paragraph (l) of paragraph (1) shall be liable—
- (a) in the case of an offence of obstructing an inspector in the execution of their powers under regulation 29—
 - (i) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (ii) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years, or to both;
 - (b) in any other case, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (6) For the purposes of this regulation, section 20(2) of the Interpretation Act (Northern Ireland) 1954(1) applies with the omission of the words “the liability of whose members is limited”.
- (7) Where the affairs of a body corporate are managed by its members, paragraph (6) shall apply in relation to the acts or defaults of a member in connection with their functions of management as if he were a director of the body corporate.
- (8) Where the commission by any person of an offence under this regulation is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against the first-mentioned person.