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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 160**

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

**PART 6**

**PROVISION AS TO OFFENCES**

**Admissibility of evidence**

**38.**—(1) Information provided or obtained pursuant to or under a condition of a permit (including information so provided or obtained, or recorded, by means of any apparatus) shall be admissible in evidence in any proceedings, whether against the person subject to the condition or any other person.

(2) For the purposes of paragraph (1), apparatus shall be presumed in any proceedings to register or record accurately, unless the contrary is shown or the permit otherwise provides.

(3) Where—

- (a) by virtue of a condition of a permit granted by an enforcing authority an entry is required to be made in any record as to the observance of any condition of the permit; and
- (b) the entry has not been made,

that fact shall be admissible as evidence that that condition has not been observed.

(4) In this regulation—

“apparatus” includes any meter or other device for measuring, assessing, determining, recording or enabling to be recorded the volume, temperature, radioactivity, rate, nature, origin, composition, or effect of any substance, flow, discharge, emission, deposit or abstraction; and  
“condition of a permit” includes any requirement to which a person is subject under or in consequence of a permit.