
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 425

**The Fluorinated Greenhouse Gases
Regulations (Northern Ireland) 2015**

PART 4

Offences and penalties

Offences

26.—(1) It is an offence for a person to do any of the following or to cause or permit another person to do any of the following—

- (a) breach any of the prohibitions mentioned in the following provisions of the 2014 Regulation—
 - (i) Article 3(1) (prohibition on intentional release of fluorinated greenhouse gas);
 - (ii) Article 11(1) (read in association with Article 11(2) and (3)) (prohibition on placing specified products and equipment on the market);
 - (iii) Article 14(1) (prohibition on placing equipment not accounted for within quota system on the market);
 - (b) breach Article 14(2) of the 2014 Regulation (requirements to document placing on the market and to draw up declaration of conformity);
 - (c) breach the second paragraph of Article 15(1) (read in association with Article 15(2) and (3)) of the 2014 Regulation (requirement to ensure quantities placed on market do not exceed quota); or
 - (d) fail to comply with an enforcement notice.
- (2) It is an offence to—
- (a) intentionally obstruct any person acting in the execution or enforcement of these Regulations;
 - (b) fail, without reasonable cause, to give to any such person any assistance or information which that person may reasonably require for those purposes;
 - (c) furnish to any such person any information knowing it to be false or misleading; or
 - (d) fail to produce a document or record to any such person when required to do so.

Offences committed by bodies corporate, partnerships and unincorporated associations

27.—(1) For the purposes of these Regulations—

- (a) 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”;

- (b) section 20(3) of that Act does not apply; and
 - (c) where the affairs of a body corporate are managed by its members, section 20(2) of the Act applies in relation to the acts or defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.
- (2) Where any offence under these Regulations committed by a partnership is proved—
- (a) to have been committed with the consent or connivance of a partner; or
 - (b) to be attributable to any neglect on the partner's part,
the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) For the purposes of paragraph (2), "partner" includes a person purporting to act as a partner.
- (4) Where any offence under these Regulations committed by an unincorporated association (other than a partnership) is proved—
- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or
 - (b) to be attributable to any neglect on the part of such an officer or member,
the officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) For the purpose of proceedings under paragraph (4)—
- (a) rules of court relating to the service of documents have effect as if the association were a body corporate; and
 - (b) the provisions of section 18 (procedure on charge) of the Criminal Justice Act (Northern Ireland) 1945(2) and Article 166 (corporations) of, and Schedule 4 to, the Magistrates' Courts (Northern Ireland) Order 1981(3) apply as they apply in relation to a body corporate.
- (6) A fine imposed on an unincorporated association on its conviction for an offence may be made payable out of the funds of the association.

Penalties

- 28.** A person who commits an offence under these Regulations is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine.

Application to the Crown

- 29.**—(1) Subject to the provisions of this regulation, these Regulations bind the Crown.
- (2) No act or omission done or suffered on behalf of the Crown constitutes an offence under these Regulations but the High Court may on the application of the Department declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Notwithstanding paragraph (2), these Regulations apply to persons in the public service of the Crown as they apply to other persons.
- (4) In this regulation any reference to the Crown includes a reference to the Crown in right of Her Majesty's Government in Northern Ireland.

(2) 1945 c.15 (N.I.)

(3) S.I. 1981/1675 (N.I. 26)

