
DRAFT STATUTORY INSTRUMENTS

1998 No.

Water (Northern Ireland) Order 1998

PART II

**FUNCTIONS OF THE DEPARTMENT OF THE ENVIRONMENT
IN RELATION TO MATTERS AFFECTING WATER**

Prevention of pollution of water

Relationship with other statutory provisions controlling pollution

10.—(1) The discharge or deposit of any effluent or matter made under and in accordance with, or as a result of any act or omission under and in accordance with, a discharge consent shall not constitute an offence under or a contravention of—

- (a) any regulations under section 13 of the Foyle Fisheries Act (Northern Ireland) 1952;
- (b) section 47 of the Fisheries Act (Northern Ireland) 1966 or any byelaws under section 26 of that Act;
- (c) Article 23 of the Industrial Pollution Control (Northern Ireland) Order 1997; or
- (d) Article 7(1).

(2) A person shall not be guilty of an offence under Article 7(1) or 9 in respect of the discharge or deposit of any matter if the discharge or deposit is made under and in accordance with, or as a result of any act or omission under and in accordance with—

- (a) a licence granted under Part II of the Food and Environment Protection Act 1985;
- (b) an authorisation granted under the Industrial Pollution Control (Northern Ireland) Order 1997;
- (c) a waste management licence granted under the Waste and Contaminated Land (Northern Ireland) Order 1997.

(3) A person shall not be guilty of an offence under Article 7(1) or 9 if he discharges any matter into a road drain within the meaning of Article 45 of the Roads (Northern Ireland) Order 1993, or a drain constructed and laid by the Department under Article 45(1)(b) of that Order, so that it enters a waterway or water contained in underground strata, if the Department has given its consent to the discharge unconditionally, or has given its consent to the discharge subject to conditions and the person observes the conditions.