STATUTORY RULES OF NORTHERN IRELAND

2003 No. 7

WATER AND SEWERAGE

The Anti-Pollution Works Regulations (Northern Ireland) 2003

Made - - - -	*8th January 2003*
Coming into operation	*29th January 2003*

The Department of the Environment, in exercise of the powers conferred on it by Articles 17(5)(a), 18(5) and (6) and 30(1) of the Water (Northern Ireland) Order 1999(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Anti-Pollution Works Regulations (Northern Ireland) 2003 and shall come into operation on 29th January 2003.

Interpretation

2. In these Regulations, "the 1999 Order" means the Water (Northern Ireland) Order 1999.

Content of works notices

3. A works notice shall–

(a) in the case of a potential pollution incident, describe the nature of the risk to relevant waters, identifying the relevant waters which may be affected and the place from which the matter in question is likely to enter those waters;

(b) in the case of an actual pollution incident, describe the nature and extent of the pollution, identifying the relevant waters affected by it;

(c) specify the works or operations required to be carried out by the person on whom the notice is served, stating his name and address;

(d) specify the periods referred to in Article 17(3)(a) of the 1999 Order;

(e) give the Department's reasons for serving the notice on that person and for requiring those works or operations to be carried out;

(f) inform the person on whom the notice is served of his right of appeal under Article 17(7) of the 1999 Order (including the time for appealing);

(**1**) S.I.1999/662 (N.I. 6); *see* Article 2(2) for definition of "prescribed" and Article 3(1) for definition of "the Department"

(g) state that the Department is entitled (unless the notice is quashed or withdrawn) to recover from the person on whom the notice is served its costs or expenses reasonably incurred in carrying out such investigations as are mentioned in Article 16(1) and 16(2) of the 1999 Order; and

(h) set out the contents of Article 19 of the 1999 Order (consequences of not complying with a works notice).

Compensation for grant of rights under Article 18 of the 1999 Order

4. The Schedule shall have effect for prescribing–

(a) the period within which a person who grants, or joins in granting, any rights pursuant to Article 18(2) of the 1999 Order may apply for compensation for the grant of those rights;

(b) the manner in which, and the person to whom, such an application may be made; and

(c) the manner of determining the amount of such compensation and for making supplemental provision relating to such compensation.

Pollution control registers: amendment

5.—(1) The Control of Pollution (Applications and Registers) Regulations (Northern Ireland) 2001(**2**) shall be amended as provided by paragraphs (2) and (3).

(2) At the end of regulation 7 (pollution control registers) there shall be inserted–

"; and

(n) works notices under Article 17 of the 1999 Order;

(o) appeals under Article 17(7) of the 1999 Order; and

(p) any conviction of any person for any offence under Article 19 of the 1999 Order, including the name of the offender, the date of conviction, the penalty imposed, the costs, if any, awarded against the offender and the name of the Court.".

(3) In regulation 8 (entry of particulars on register, removal of certain particulars and indexing of registers) after paragraph (1)(b) there shall be inserted–

"(ba) if they relate to a works notice under Article 17 of the 1999 Order, not later than 7 days after it is served;

(bb) if they relate to an appeal under Article 17(7) of the 1999 Order, not later than 14 days after those particulars become available to the Department;".

Sealed with the Official Seal of the Department of the Environment on 8th January 2003.

Felix A. Dillon
A senior officer of the
Department of the Environment

(**2**) S.R. 2001 No. 284