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STATUTORY INSTRUMENTS

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**1999 No. 662**

**The Water (Northern Ireland) Order 1999**

**PART II**

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

*Enforcement*

**Evidence in connection with certain pollution offences**

27.—(1) Information obtained in consequence of the exercise of a right conferred by Article 25, with or without the consent of any person, shall be admissible in evidence against that or any other person.

(2) Without prejudice to the generality of paragraph (1), information obtained by means of monitoring or other apparatus installed on any premises in the exercise of a right conferred by Article 25, with or without the consent of any person in occupation of the premises, shall be admissible in evidence in any proceedings against that or any other person.

(3) In any legal proceedings it shall be presumed, until the contrary is shown, that any sample of effluent taken at a point fixed under Article 25(5) or an inspection chamber or manhole or other place provided in compliance with a condition imposed under this Part in relation to any waterway or underground stratum is a sample of what was passing from premises to that waterway or stratum.

(4) Information provided or obtained pursuant to or by virtue of a condition attached to a discharge consent [<sup>F1</sup>or a licence mentioned in Article 20(3)(a) or (b)] (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.

(5) For the purposes of paragraphs (2) and (4), apparatus shall be presumed in any proceedings to register or record accurately, unless the contrary is shown or the consent otherwise provides.

(6) Where—

(a) by virtue of a condition attached to a discharge consent [<sup>F2</sup>or a licence mentioned in Article 20(3) (a) or (b)] , an entry is required to be made in any record as to the observance of any condition of the consent [<sup>F3</sup>or licence] , and

(b) the entry has not been made,

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

**F1** Words in art. 27(4) inserted (1.8.2006) by [Water and Sewerage Services \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2006 \(S.I. 2006/1946 \(N.I. 15\)\)](#), arts. 1(2), **5(4)**

**F2** Words in art. 27(6)(a) inserted (1.8.2006) by [Water and Sewerage Services \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2006 \(S.I. 2006/1946 \(N.I. 15\)\)](#), arts. 1(2), **5(5)(a)**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, Section 27. (See end of Document for details)*

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**F3** Words in art. 27(6)(a) inserted (1.8.2006) by Water and Sewerage Services (Miscellaneous Provisions) (Northern Ireland) Order 2006 (S.I. 2006/1946 (N.I. 15)), arts. 1(2), **5(5)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, Section 27.