
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 46

**The Pollution Prevention and Control
Regulations (Northern Ireland) 2003**

PART 7

THE DEPARTMENT'S POWERS

Directions to enforcing authorities

37.—(1) The Department may give directions to enforcing authorities of a general or specific character with respect to the carrying out of any of their functions under these Regulations.

(2) Without prejudice to the generality of the power conferred by paragraph (1), a direction under that paragraph may direct enforcing authorities—

- (a) to exercise any of their powers under these Regulations or to do so in such circumstances as may be specified in the directions or in such manner as may be so specified; or
- (b) not to exercise those powers, or not to do so in such circumstances or such manner as may be specified in the directions.

(3) Where the Department receives information pursuant to Article 17(1) of the Directive in relation to the operation of an installation outside of the United Kingdom which is likely to have a significant negative effect on the environment of Northern Ireland, it shall, for the purpose of complying with Article 17(2) of the Directive, direct the chief inspector to take such steps as it considers appropriate for the purpose of bringing the information to the attention of the persons in Northern Ireland likely to be affected by the operation of the installation and providing them with an opportunity to comment on that information.

(4) Any direction given under these Regulations shall be in writing and may be varied or revoked by a further direction.

(5) It shall be a duty of an enforcing authority to comply with any direction which is given to it under these Regulations.

Guidance to enforcing authorities

38.—(1) The Department may issue guidance to enforcing authorities with respect to the carrying out of any of their functions under these Regulations.

(2) An enforcing authority, in carrying out any of its functions under these Regulations, shall have regard to any guidance issued by the Department under this regulation.

Plans relating to emissions

39.—(1) The Department may make plans for—

- (a) the setting of limits on the total amount, or the total amount in any period, of emissions from all or any description of source within Northern Ireland; or

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(b) the allocation of quotas relating to such emissions.

(2) Where the Department allocates a quota in a plan made under paragraph (1) it may also make a scheme for the trading or other transfer of the quota so allocated.

(3) In this regulation, “emission” means the direct or indirect release of any substance from individual or diffuse sources into the air, water or land.