
DRAFT STATUTORY INSTRUMENTS

1999 No.

Water (Northern Ireland) Order 1999

PART II

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

Prevention of pollution of water

Pollution emergencies

15.—(1) Where the Department is satisfied that it is necessary in the public interest to do so, it may give to any person a notice prohibiting him from depositing or discharging any matter of a class or description specified in the notice on to any land or into any waterway or underground stratum so specified.

(2) A notice under paragraph (1)—

- (a) shall have effect notwithstanding that the Department has given its consent for the purposes of Article 9 to the discharge, whether unconditionally or subject to conditions;
- (b) shall, subject to paragraph (3), continue in force until revoked by the Department or the Department gives its consent for the purposes of Article 9 to the discharge in pursuance of an application in that behalf made by the person to whom the notice is given.

(3) A person to whom a notice under paragraph (1) is given may, within 28 days from the date of the service of the notice, appeal to the Appeals Commission.

(4) Where—

- (a) a notice given under paragraph (1) is varied or quashed on appeal; and
- (b) the person to whom the notice was given has complied with the notice,

the Department shall pay to that person an amount equal to the loss suffered, or expenditure incurred, by that person in complying with the notice.

(5) Any dispute under paragraph (4) as to the loss suffered or expenditure incurred shall be determined by the Lands Tribunal.

(6) Any person who contravenes any prohibition imposed by a notice served on that person under paragraph (1) shall be guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding £20,000 or to both.