



STATUTORY INSTRUMENTS.

S.I. No. 633 of 2015



AIR POLLUTION (FIXED PAYMENT NOTICE) REGULATIONS 2015

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I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 10 and 12A (inserted by Section 10 of the Environment (Miscellaneous Provisions) Act 2011 (No. 20 of 2011) and as amended by Section 20 of the Environment (Miscellaneous Provisions) Act 2015 (No. 29 of 2015)) of the Air Pollution Act 1987 (No. 6 of 1987)(as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 193 of 2011)), hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Air Pollution (Fixed Payment Notice) Regulations 2015.

Commencement

2. These Regulations come into operation on 22 December 2015.

Interpretation

3. In these Regulations “Fuel Regulations” means Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012 (S.I. No. 326 of 2012).

Prescribed Form

4. The form set out in the Schedule to these Regulations is prescribed as the form of fixed payment notice for the purposes of sections 12A of the Air Pollution Act 1987 (No. 6 of 1987) as amended.

Revocation

5. The Air Pollution (Fixed Payment Notice) Regulations 2011 (S.I. No. 713 of 2011) are revoked.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 8th January, 2016.*

SCHEDULE

Fixed Payment Notice in respect of an alleged offence under the Air Pollution Act 1987

Fógra maidir le hÍocaíochtaí Seasta i leith ciona líomhnaithe faoin Acht um Thruailliú Aeir 1987

Name of local authority/Ainm an údaráis áitiúil:

Address of local authority/Seoladh an údaráis áitiúil:

.....

.....

To/Go: [Name/ainm]

It is alleged that you have committed an offence being a relevant offence — Líomhnaítear go bhfuil cion déanta agat ar cion iomchuí é—

at/i [place/ait]

on/an 20..... [date/dáta].

Particulars of the alleged offence, being a relevant offence, are given in column (4) opposite the reference marked “X” in column (1) below.

Tugtar sonraí an chiona líomhnaithe, ar cion iomchuí é, i gcolún (4) os coinne na tagartha atá marcáilte “X” i gcolún (1) thíos.

You may, during the period of 21 days beginning on the date of this notice, make a payment of the amount specified in column (5), opposite the reference marked “X” in column (1) below, accompanied by this notice, to the local authority referred to above at the address referred to above.

Féadfaidh tú, le linn na tréimhse 21 lá dar tosach dáta an fhógra seo, íocaíocht den mhéid a shonraítear i gcolún (5), os coinne na tagartha atá marcáilte “X” i gcolún (1) thíos, agus an fógra seo ag gabháil léi, a dhéanamh leis an údarás áitiúil dá dtagraítear thuas ag an seoladh dá dtagraítear thuas.

You are not obliged to make the payment.

Níl sé d’oibleagáid ort an íocaíocht a dhéanamh.

A prosecution in respect of the alleged offence, being a relevant offence, will not be instituted during the period of 21 days beginning on the date of the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of that offence will be instituted.

Ní thionscnófar ionchúiseamh i leith an chiona líomhnaithe, ar cion iomchuí é, le linn na tréimhse 21 lá dar tosach dáta an fhógra agus, más rud é go n-íocfar an íocaíocht a shonraítear san fhógra le linn na tréimhse sin, ní thionscnófar ionchúiseamh ar bith i leith an chiona sin.

Signed/Arna shíniú:

Authorised person/Duine údaraithe

Date/Dáta:

(1)	(2)	(3)	(4)	(5)
Ref.	No.	Relevant offence	Particulars of alleged offence	Amount
	1	Offence under section 11 consisting of a contravention of regulation 5(1) of the Fuel Regulations		€1,000
	2	Offence under section 11 consisting of a contravention of regulation 5(2)(a) of the Fuel Regulations		€500
	3	Offence under section 11 consisting of a contravention of regulation 5(2)(b) of the Fuel Regulations		€500
	4	Offence under section 11 consisting of a contravention of regulation 5(4)(b) of the Fuel Regulations		€500
	5	Offence under section 11 consisting of a contravention of regulation 5(5) of the Fuel Regulations		€250
	6	Offence under section 11 consisting of a contravention of regulation 7(1)(c) of the Fuel Regulations		€500
	7	Offence under section 11 consisting of a contravention of regulation 7(1)(d) of the Fuel Regulations		€250

(1)	(2)	(3)	(4)	(5)
Tag.	Uimhir	An cion iomchuí	Sonraí an chiona líomhnaithe	Méid
	1	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 5(1) de na Rialacháin maidir le Breosla		€1,000
	2	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 5(2)(a) de na Rialacháin maidir le Breosla		€500
	3	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 5(2)(b) de na Rialacháin maidir le Breosla		€500
	4	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 5(4)(b) de na Rialacháin maidir le Breosla		€500

(1)	(2)	(3)	(4)	(5)
Tag.	Uimhir	An cion iomchuí	Sonraí an chion líomhnaithe	Méid
	5	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 5(5) de na Rialacháin maidir le Breosla		€250
	6	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 7(1)(c) de na Rialacháin maidir le Breosla		€500
	7	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 7(1)(d) de na Rialacháin maidir le Breosla		€250



GIVEN under my Official Seal,
22 December 2015.

ALAN KELLY,
Minister for Environment Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations set out the form to be used by authorised persons when issuing fixed payment notices for breaches of certain provisions of the Air Pollution Act 1987 (Marketing, Sale, Distribution and burning of Fuels) Regulations 2012, relating to the marketing, sale, distribution and burning of certain fuels.

The relevant offences are set out in column 3 of the form in the Schedule to these Regulations.

The fixed payment notice amounts are set out in column 5 of the Schedule to these Regulations.

A prosecution in respect of the alleged offence will not be instituted by a local authority for 21 days after the issuing of a notice.

There is no requirement to pay the fixed payment notice.

If the fixed payment notice is not paid within 21 days then the local authority that issued the notice may institute a prosecution under the Air Pollution Act 1987 in respect of the alleged offence.

A person found guilty of an offence under the Air Pollution Act 1987, on summary conviction, shall be liable to a class A fine (set at €5,000 at the time these Regulations were signed) or to imprisonment for a term not exceeding six months, or both.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

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