



STATUTORY INSTRUMENTS.

S.I. No. 348 of 2016



AIR POLLUTION ACT (FIXED PAYMENT NOTICE) (PAINTS)
REGULATIONS 2016

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I, SIMON COVENEY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 10 and 12B (inserted by Section 21 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 Act (Fixed Payment Notice)(Paints) Regulations 2016

Commencement

2. These Regulations come into operation on 28th June 2016.

Interpretation

3. In these Regulations “Paints Regulations” means European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012 (S.I. No. 564 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 12B of the Air Pollution Act 1987 as amended.

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

SCHEDULE

Fixed Payment Notice in respect of an alleged offence under the Air Pollution Act 1987 and European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012 (S.I. No. 564/2012)

Fógra maidir le hÍocaíochtaí Seasta i leith ciona líomhnaithe faoin Acht um Thruailliú Aeir 1987 agus na Rialacháin an Aontais Eorpaigh (Péinteanna, Vearnaisí, Táirgí agus Gníomhaíochtaí Athbhailchríochnaithe Feithicle), 2012 (I.R. Uimh. 564 de 2012)

Name of local authority/Ainm an údaráis áitiúil: _____

Address of local authority/Seoladh an údaráis áitiúil: _____

To/Go: _____ [Name/ainm]

Address/Seoladh: _____

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.

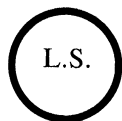
Ní thionscnófar ionchúiseamh i leith an chiona líomhnaithe, ar cion iomchuí é, le linn na tréimhse 21 lá dar tosach dáta an fhógra agus, más rud é go n-íocfar an íocaíocht a shonraítear san fhógra le linn na tréimhse sin, ní thionscnófar ionchúiseamh ar bith i leith an chiona sin.

Signed/Arna shíniú: _____

Authorised person/Duine údaráithe

Date/Dáta: _____

(1)	(2)	(3)	(4)	(5)
Ref./ Tag.	No./Uimhir	Relevant offence/ An cion iomchuí	Particulars of alleged offence/ Sonraí an chiona líomhnaithe	Amount/ Méid
	1	Offence under Regulation 25 consisting of a contravention of regulation 9(1) of the Paints Regulations (S.I. No. 564 of 2012) Cion faoi Rialachán 25 arb éard atá ann sárú ar rialachán 9(1) de na Rialacháin Péinteanna (I.R. Uimh. 564 de 2012)		€1,000
	2	Offence under Regulation 25 consisting of a contravention of regulation 9(2) of the Paints Regulations (S.I. No. 564 of 2012) Cion faoi Rialachán 25 arb éard atá ann sárú ar rialachán 9(2) de na Rialacháin Péinteanna (I.R. Uimh. 564 de 2012)		€1,000
	3	Offence under Regulation 25 consisting of a contravention of regulation 13(1) of the Paints Regulations (S.I. No. 564 of 2012) Cion faoi Rialachán 25 arb éard atá ann sárú ar rialachán 13(1) de na Rialacháin Péinteanna (I.R. Uimh. 564 de 2012)		€500



GIVEN under my Official Seal,
28 June 2016.

SIMON COVENEY,
Minister for the 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 European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012.

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 of 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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