



STATUTORY INSTRUMENTS.

S.I. No. 713 of 2011



AIR POLLUTION (FIXED PAYMENT NOTICE) REGULATIONS 2011

(Prn. A11/2416)

AIR POLLUTION (FIXED PAYMENT NOTICE) REGULATIONS 2011

I, PHIL HOGAN, Minister for 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)) of the Air Pollution Act 1987 (No. 6 of 1987) (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:

1. These Regulations may be cited as the Air Pollution (Fixed Payment Notice) Regulations 2011.

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

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 3rd January, 2012.*

SCHEDULE

Regulation 2

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/ainim]

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 article 3(1) of the Fuel Regulations.		€1,000
	2	Offence under section 11 consisting of a contravention of article 3(2) of the Fuel Regulations.		€500
	3	Offence under section 11 consisting of a contravention of regulation 3A of the Fuel Regulations.		€1,000
	4	Offence under section 11 consisting of a contravention of article 4 of the Fuel Regulations.		€500
	5	Offence under section 11 consisting of a contravention of regulation 4A(1) of the Fuel Regulations.		€500
	6	Offence under section 11 consisting of a contravention of regulation 4A(2) of the Fuel Regulations.		€250
	7	Offence under section 11 consisting of a contravention of regulation 4B(1) of the Fuel Regulations.		€500
	8	Offence under section 11 consisting of a contravention of regulation 4C(1) of the Fuel Regulations.		€500
	9	Offence under section 11 consisting of a contravention of regulation 4C(2) of the Fuel Regulations.		€500
	10	Offence under section 11 consisting of a contravention of article 6 of the Fuel Regulations.		€500
	11	Offence under section 11 consisting of a contravention of article 7 of the Fuel Regulations.		€250

(1) Tag.	(2) Uimhir	(3) An cion iomchuí	(4) Sonraí an chiona líomhnaithe	(5) Méid
	1	Cion faoi alt 11 arb éard atá ann sárú ar airteagal 3(1) de na Rialacháin maidir le Breosla.		€1,000
	2	Cion faoi alt 11 arb éard atá ann sárú ar airteagal 3(2) de na Rialacháin maidir le Breosla.		€500
	3	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 3A de na Rialacháin maidir le Breosla.		€1,000
	4	Cion faoi alt 11 arb éard atá ann sárú ar airteagal 4 de na Rialacháin maidir le Breosla.		€500
	5	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 4A(1) de na Rialacháin maidir le Breosla.		€500
	6	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 4A(2) de na Rialacháin maidir le Breosla.		€250
	7	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 4B(1) de na Rialacháin maidir le Breosla.		€500
	8	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 4C(1) de na Rialacháin maidir le Breosla.		€500
	9	Cion faoi alt 11 arb éard atá ann sárú ar rialachán 4C(2) de na Rialacháin maidir le Breosla.		€500
	10	Cion faoi alt 11 arb éard atá ann sárú ar airteagal 6 de na Rialacháin maidir le Breosla.		€500
	11	Cion faoi alt 11 arb éard atá ann sárú ar airteagal 7 de na Rialacháin maidir le Breosla.		€250



GIVEN under my Official Seal,
23 December 2011.

PHIL HOGAN,
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 and Distribution of Fuels) Regulations 1998 to 2011, relating to the sale, marketing and distribution 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 form in 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 ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€2.54

