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STATUTORY INSTRUMENTS

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**2002 No. 3153**

**The Environment (Northern Ireland) Order 2002**

**PART II**

**POLLUTION PREVENTION AND CONTROL**

*Regulation of polluting activities*

**Purpose of Article 4**

3. The purpose of Article 4 is to enable provision to be made for or in connection with—
- (a) implementing Council Directive 96/61/EC concerning integrated pollution prevention and control;
  - (b) regulating, otherwise than in pursuance of that Directive, activities which are capable of causing any environmental pollution;
  - (c) otherwise preventing or controlling emissions capable of causing any such pollution.

**Regulation of polluting activities**

4.—(1) The Department may by regulations make provision for any of the purposes listed in Part I of Schedule 1; and Part II of that Schedule has effect for supplementing Part I.

(2) In accordance with Article 3, the provision which may be made by regulations under this Article is provision for or in connection with any of the matters mentioned in paragraphs (a) to (c) of that Article.

(3) Regulations under this Article may contain such consequential, incidental, supplementary, transitional or saving provisions (including provisions amending, repealing or revoking statutory provisions) as the Department considers appropriate.

- (4) Before making any regulations under this Article, the Department shall consult—
- (a) district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it may consider appropriate;
  - (b) such bodies or persons appearing to it to be representative of the interests of industry, agriculture and business as it may consider appropriate; and
  - (c) such other bodies or persons as it may consider appropriate.

(5) Consultation undertaken before the coming into operation of this Article shall constitute as effective compliance with paragraph (4) as if undertaken thereafter.

(6) Regulations under this Article, if made without a draft having been laid before and approved by a resolution of, the Assembly, shall be subject to negative resolution.

(7) No regulations to which this paragraph applies shall be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly

- (8) Paragraph (7) applies to—

- (a) the first regulations to be made under this Article;
- (b) regulations under this Article containing any provision which creates an offence or increases a penalty for an existing offence;
- (c) regulations under this Article containing any provision which amends or repeals any Northern Ireland legislation.