
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 238

**EUROPEAN COMMUNITIES
ENVIRONMENTAL PROTECTION**

**The Environmental Information (Amendment)
Regulations (Northern Ireland) 1998**

Made - - - - *1st July 1998*
Coming into operation *31st July 1998*

The Department of the Environment, being a Department designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to freedom of access to, and the dissemination of, information on the environment held by public authorities or bodies with public responsibilities for the environment and which are under the control of a public authority, in exercise of the powers conferred by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Information (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 31st July 1998.

(2) The Interpretation Act (Northern Ireland) 1954⁽³⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Environmental Information Regulations (Northern Ireland) 1993

2. In regulation 5 of the Environmental Information Regulations (Northern Ireland) 1993⁽⁴⁾—

(a) for paragraph (2) there shall be substituted—

“(2) For the purposes of these Regulations, information is to be capable of being treated as confidential if, and only if, it is information the disclosure of which—

- (a) would affect international relations, national defence or public security;
- (b) would affect matters which are, or have been, an issue in any legal proceedings or in any enquiry (including any disciplinary enquiry), or are

(1) S.I.1992/1711
(2) 1972 c. 68
(3) 1954 c. 33 (N.I.)
(4) S.R. 1993 No. 45

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- the subject-matter of any investigation undertaken with a view to any such proceedings or enquiry;
- (c) would affect the confidentiality of the deliberations of any relevant person;
 - (d) would involve the supply of a document or other record which is still in the course of completion, or of any internal communication of a relevant person; or
 - (e) would affect the confidentiality of matters to which any commercial or industrial confidentiality attaches, including intellectual property.”;
- (b) paragraph (5) shall be omitted.

Sealed with the Official Seal of the Department of the Environment on

L.S.

1st July 1998.

R. Wilson
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend regulation 5 of the Environmental Information Regulations (Northern Ireland) 1993 so as fully to align the exceptions in paragraph (2) of that regulation with the derogations set out in Article 3(2) of Council Directive [90/313/EEC](#) on the freedom of access to information on the environment (O.J. No. L158, 23.6.90, p. 56).