
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 239

The Controls on Ozone-Depleting Substances
Regulations (Northern Ireland) 2011

PART 1

Introduction

Citation, commencement and application

1.—(1) These Regulations may be cited as the Controls on Ozone-Depleting Substances Regulations (Northern Ireland) 2011, and shall come into operation on 31st July 2011.

(2) These Regulations apply to offshore installations.

Interpretation

2.—(1) In these Regulations—

“the 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997⁽¹⁾

“authorised person” means a person authorised under regulation 14(5);

“the Department” means the Department of the Environment;

“the enforcing authority” means—

(a) the district council, or, in a case which the Department makes a direction under regulation 14(2), the Department; and

(b) in relation to offshore installations, the Secretary of State;

“the EU Regulation” means Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer⁽²⁾;

“gas” means—

(a) gas within the meaning of section 2(4) of the Energy Act 2008⁽³⁾; or

(b) carbon dioxide;

“installation” includes an installation within the meaning of section 16 of the Energy Act 2008;

“marine area” means the area (together with the places above and below it) comprising the tidal waters and parts of the sea in or adjacent to Northern Ireland, up to the seaward limits of the territorial sea;

“offshore installation” means an installation or a structure, other than a ship, which is situated in the marine area, used for carrying on any of the following activities—

(1) S.I. 1997/2778 (N.I. 19)

(2) OJ No L286, 31.10.2009, p1, amended by Commission Regulation (EU) No 744/2010 (OJ No L 218, 19.8.2010, p2).

(3) 2008 c.32

- (a) the exploitation, or exploration with a view to exploitation, of mineral resources in the marine area;
- (b) the exploration of any place in the marine area, with a view to the storage of gas;
- (c) the conversion of any place in the marine area for the purpose of storing gas;
- (d) the storage of gas in the marine area or the recovery of gas so stored;
- (e) the unloading of gas at any place in the marine area;
- (f) the conveyance of things by means of a pipe, or system of pipes, constructed or placed in the marine area; and
- (g) the provision of accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, for the carrying on of an activity within any of the sub-paragraphs (a) to (f) above; and

“ship” includes a hovercraft, submersible craft and any other floating craft, but not a vessel which—

- (a) permanently rests on or is permanently attached to the seabed; and
- (b) is an installation within section 16 of the Energy Act 2008.

(2) References to storing gas include storing gas with a view to its permanent disposal.

(3) The Interpretation Act (Northern Ireland) 1954⁽⁴⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(4) Expressions used in these Regulations and in the EU Regulation have the same meaning in these Regulations as they have in the EU Regulation.

Meaning of “controlled substances”

3. References in these Regulations to “controlled substances” are references to those substances in Annex I to the EU Regulation as amended from time to time.

(4) 1954 c.33 (N.I.)