

EXPLANATORY MEMORANDUM TO

Control of Pollution (Oil Storage) (Amendment) Regulations (Northern Ireland) 2011

SR 2011 No. 385

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 14 and 61(2) of the Water (Northern Ireland) Order 1999 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule amends a minor drafting error to regulation 8(1)(a) of the Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010 (the Oil Storage Regulations).

3. Background

- 3.1. The Oil Storage Regulations were made on the 9 December 2010 and came into operation on 20 March 2011. They set minimum design standards for new and existing above ground oil storage facilities, providing a legal requirement for the standards to be met.
- 3.2. Regulation 8(1) of the Oil Storage Regulations states:
- 3.3. In any case-
- 3.4. (a) to which regulation 7(1) or (2) applies, and
- 3.5. (b) where it appears to the Department that there is a significant risk of pollution from the entry of oil into any waterway or water contained in any underground strata.....,the Department may serve a Notice on the person having custody or control of that oil requiring him to carry out such works, precautions or other steps appropriate for minimizing the risk.
- 3.6. Regulation 7(1) details the transitional timeframes for compliance with the Oil Storage Regulations. Regulation 7(2) sets out the timeframes for the application of the provisions of the Oil Storage Regulations following non-compliance with a Notice issued under regulation 8.
- 3.7. As a Notice must first be issued and not complied with before the timeframes detailed in regulation 7(2) can take effect, reference in regulation 8(1)(a) to regulation 7(2) is incorrect. The application of regulation 7(2) cannot be a prerequisite for the issuing of a Notice under regulation 8.

4. Consultation

- 4.1. The amending Regulations correct a minor drafting error therefore a consultation is not required.

5. Equality Impact

- 5.1. The amending Regulations correct a minor drafting error therefore an Equality Impact Assessment is not required.

6. Regulatory Impact

- 6.1. The amending Regulations have no impact on the previous assessment carried out on the Oil Storage Regulations.

7. Financial Implications

- 7.1. The amending Regulations impose no additional costs or savings.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The amending Regulations do not discriminate on grounds of religious belief or political opinion nor do they modify the European Communities Act, the Human Rights Act 1998 or other statutory provisions listed in section 7 of the 1998 Act.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. The amending Regulations make a minor amendment to the Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010. There is no change to policy.