
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 229

**The Ship Recycling Facilities
Regulations (Northern Ireland) 2015**

Citation and commencement

1. These Regulations may be cited as the Ship Recycling Facilities Regulations (Northern Ireland) 2015 and shall come into operation on 18 May 2015.

Interpretation

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978(1);

“the EU Ship Recycling Regulation” means Regulation (EU) No. 1257/2013 of the European Parliament and of the Council on ship recycling(2);

“the Department” means the Department of the Environment;

“the Executive” means the Health and Safety Executive for Northern Ireland established under Article 12 (Establishment of the Executive) of the 1978 Order;

“the European List” means the list of ship recycling facilities established under Article 16 (Establishment and updating of the European List) of the EU Ship Recycling Regulation;

“health and safety regulations” means regulations made under Article 17 (Health and safety regulations) of the 1978 Order;

“permit” means a waste management licence granted under Article 6 (Waste management licences: general) of the Waste and Contaminated Land (Northern Ireland) Order 1997 or a permit granted under regulation 10 (Permits: general provisions) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(3);

“suspension notice” means a notice suspending a licence under Article 12 (Revocation and suspension of licences) or 16 (Supervision of licensed activities) of the Waste and Contaminated Land (Northern Ireland) Order 1997 or a notice stating that a permit ceases to have effect under regulation 28 (Suspension notices) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.

(2) Terms which are used in these Regulations that are used in the EU Ship Recycling Regulation have the meaning they bear in that Regulation.

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

(1) [S.I.1978/1039 \(N.I. 9\)](#); relevant amending Order is [S.I. 1998/2795 \(N.I. 18\)](#)

(2) O.J. No. L330, 10.12.2013, p.1

(3) [S.R. 2013 No. 160](#) to which there are amendments not relevant to these Regulations

(4) [1954 c.33 \(N.I.\)](#)

Designation of competent authority

3. The Department and the Executive acting jointly are designated as the competent authority in Northern Ireland for the purposes of Article 3(11) of the EU Ship Recycling Regulation.

Authorisation of ship recycling facilities

4.—(1) The Department’s functions in relation to a permit for a ship recycling facility include ensuring compliance with Articles 13 and 14 of the EU Ship Recycling Regulation, but the Department must only exercise any such functions relating to health and safety with the consent of the Executive.

(2) A condition relating to health and safety to ensure compliance with Articles 13 and 14 of the EU Ship Recycling Regulation may be imposed in a permit for a ship recycling facility.

(3) A power to serve a suspension notice in relation to a permit for a ship recycling facility includes the power to serve a notice where the competent authority considers that the operation of the ship recycling facility involves a serious risk to health and safety.

Application of the 1978 Order

5. Any function of the Executive under any provision of the 1978 Order in respect of health and safety regulations is exercisable as if Articles 13 and 14 of the EU Ship Recycling Regulation were health and safety regulations for the purposes of that Order.

European List of facilities at which ships flying the flag of a Member State may be recycled

6.—(1) After the date of application of Article 6(2) of the EU Ship Recycling Regulation, ship recycling facilities in Northern Ireland must not accept any ship flying the flag of a Member State within the scope of the EU Ship Recycling Regulation for ship recycling unless the ship recycling facility is included on the European List.

(2) Failure to comply with paragraph 1 will have the same effect as failure to comply with a condition of a permit.

Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003

7. For regulation 12 (Health at Work) of the Waste Management Licensing Regulations (Northern Ireland) 2003(5) substitute—

“Health at Work

12.—(1) With the exception of a Ship Recycling Permit, no conditions shall be imposed in any waste management licence, disposal licence or resolution for the purpose only of securing the health of persons at work (within the meaning of Part I of the Health and Safety at Work (Northern Ireland) Order 1978(6)).

(2) In this regulation “Ship Recycling Permit” means a waste management licence granted under Article 6 (Waste management licences: general) of the Waste and Contaminated Land (Northern Ireland) Order 1997 or a permit granted under regulation 10 (Permits: general provisions) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 to ensure compliance with Articles 13 and 14 of

(5) S.R. 2003 No.493; relevant amending Regulations are S.R. 2006 No. 519, S.R. 2009 No. 159, S.R. 2011 No. 127 and S.R. 2014 No. 253

(6) S.I.1978/1039 (N.I. 9); relevant amending Order is S.I. 1997/1774 (N.I. 16)

Regulation (EU) No. 1257/2013 of the European Parliament and of the Council on ship recycling(7).”.

Sealed with the Official Seal of the Department of the Environment on 22nd April 2015.



Dave Foster
A senior officer of the Department of the
Environment