

EXPLANATORY MEMORANDUM TO
The Environmental Liability (Prevention and Remediation) (Amendment)
Regulations (Northern Ireland) 2015

SR 2015 No. 231

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 section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Department has introduced the Environmental Liability (Prevention and Remediation) (Amendment) Regulations (Northern Ireland) 2015, which amend the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009 Regulations to include the requirements of Article 38 Directive 2013/30/EU on the Safety of Offshore Oil and Gas Operations (OSD).

3. Background

- 3.1. In relation to water damage, Article 38 of the OSD extends the current geographical limit as set out in the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009, beyond the coastal strip (up to one nautical mile seaward from the baseline in Northern Ireland) to cover all waters up to 12 nautical miles seaward from the baseline in Northern Ireland.
- 3.2. Similarly, damage to a protected species or natural habitats will include all waters and the seabed up to 12 nautical miles from the baseline in Northern Ireland.

4. Consultation

- 4.1. The Department consulted upon its proposals between July and September 2014.

5. Equality Impact

- 5.1. It was determined at the time of consultation that changes made by this Rule would have no impact in terms of section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment was carried out at the time of transposition of the ELD. A further Regulatory Impact Assessment was carried out by DECC/HSE in relation to the wider transposition of the OSD.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. These Regulations are deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Failure to introduce these Regulations by 19 July 2015 may result in infraction by the EU.

10. Parity or Replicatory Measure

10.1. As these Regulations introduce a European requirement they are comparable to those being introduced in the rest of the UK.

11. Additional Information

11.1. Not applicable.