

EXPLANATORY MEMORANDUM TO

The Waste (Fees and Charges) (Amendment) Regulations (Northern Ireland) 2016

SR 2016 No. 401

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs 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 Articles 39(2) and (3) of the Waste and Contaminated Land (Northern Ireland) Order 1997 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Department has introduced The Waste (Fees and Charges) (Amendment) Regulations (Northern Ireland) 2016, which amend the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 and the Waste Management Licensing Regulations (Northern Ireland) 2003. The purpose of the Regulations is to increase the fees and charges for processing registration of waste carriers, brokers and dealers as well as exempt waste activities.

3. Background

- 3.1. The Department is required to have in place a charging scheme to ensure that, so far as is practicable, fees and charges in relation to waste management licensing activities are sufficient to recover the costs for the Department in exercising its functions under the Waste and Contaminated Land (Northern Ireland) Order 1997.
- 3.2. These fees and charges are uplifted on an annual basis in line with inflation. These Regulations give effect to this year's increase.

4. Consultation

- 4.1. NIEA consulted on the proposed Regulatory Charging Policy 2016/2021 between 30 January 2016 and 24 March 2016.

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 partial regulatory impact assessment was completed prior to the consultation period.

7. Financial Implications

- 7.1. The current proposal represents increases of between £2 applied annually and £25 applied tri-annually dependent on the activity.

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. This legislation does not directly transpose the Waste Framework Directive but is required as a consequence of the Directive. Insufficient cost recovery would lead to the costs of regulation falling upon the taxpayer which is not compliant with the “polluter pays” principle required by the Waste Framework Directive. The proposed legislation does not go beyond the minimum necessary to comply with the Directive.

10. Parity or Replicatory Measure

- 10.1. It is difficult to draw direct cost comparisons with the position in England and Wales, where waste management licensing arrangements have been subsumed into a common environmental permitting framework. However, in real terms, the charges proposed here are slightly lower than those in place in Britain.

11. Additional Information

- 11.1. Not applicable.