

EXPLANATORY MEMORANDUM TO

The Water Environment (Floods Directive) (Amendment) Regulations (Northern Ireland) 2018

S.R. 2018 No. 137

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (DAERA) to accompany the above-named Statutory Rule (“the Regulations”) which is laid under the negative resolution process before the Northern Ireland Assembly.
- 1.2. The Department of Agriculture, Environment and Rural Affairs has made the above named Statutory Rule under powers conferred on it by section 2(2) of the European Communities Act 1972. It will come into operation on 27 July 2018.

2. Purpose

- 2.1. The Regulations make provision to amend the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 to transfer statutory responsibility (as Competent Authority) for the implementation of the Floods Directive from the Department of Agriculture Environment and Rural Affairs to the Department for Infrastructure (DfI).
- 2.2. The Regulations also amend the list of consultees for flood risk management plans.

3. Background

- 3.1. The functions under the 2009 Regulations, which were conferred on the former Department Agriculture and Rural Development, were to transfer to DfI in accordance with the Executive’s decision in 2015: DfI was to be the Department with the policy and operational responsibility for the EU Floods Directive. Unexpected technical issues resulted in functions under the 2009 Regulations not being included in the Departments (Transfer of Functions) Order 2016 which (along with the Departments Act (Northern Ireland) 2016) was to implement that decision. The result was that the functions unintentionally remained with DAERA.
- 3.2. In order to correct this omission it has been decided to effect the transfer of these functions by amending the 2009 Regulations under the powers provided by section 2(2) of the European Communities Act 1972.

4. Consultation

- 4.1. As the purpose of the Regulations is to provide for the transfer of functions to implement the Executive's decision in 2015 a consultation was not required.

5. Equality Impact

- 5.1. A screening exercise was carried out on the proposed legislation during the making of The Transfer of Functions Order 2016. The outcome was that an Equality Impact Assessment was not considered necessary and the Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

- 6.1 As the Regulation does not contain any provisions that will result in an increased or adverse impact on business, charities or the community or voluntary sectors, no Regulatory Impact Assessment has been conducted.
- 6.2 The Department is content that the legislation meets commitments to Better Regulations.

7. Financial Implications

- 7.1. Not applicable

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations amend the transfer functions between Departments and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. Not applicable.

12. Contact

- 12.1. Karen McMullan at the Department of Agriculture, Environment and Rural Affairs. Telephone: 028 90 525386 or e-mail:Karen.McMullan@daera-ni.gov