

EXPLANATORY MEMORANDUM TO
The Environment (Miscellaneous Amendments) Regulations (Northern Ireland)
2018

S.R. 2018 No. 200

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 is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations contribute to ensuring that the legal framework relating to various environmental legislation remains legally operable when the UK withdraws from the EU. This will ensure that The Statutory Rule amends existing Northern Ireland environmental legislation such as Waste, Water, Air, Aquatic Animal Health, Fisheries, Marine and Sea Fisheries, Conservation and Environmental Impact Assessments. This is to allow it to function following the UK's departure from the European Union (EU). It makes technical amendments only and no changes to policy.
- 2.2. This technical updating ambulatory amendments to The Environment (Miscellaneous Amendments) Regulations 2018 is required in order to maintain parity with amendments being processed for the parallel Regulations for Great Britain.
- 2.3. This maintenance of legislative parity between Great Britain and Northern Ireland is required in order to enable the status quo of the environmental legislative framework to be maintained.

3. Background

- 3.1. The Statutory Rule aims to address the deficiencies in EU-derived domestic legislation arising from the withdrawal of the United Kingdom from the EU to ensure Northern Ireland law relating to Northern Ireland Environmental Legislation continues to function after the UK leaves the EU.
- 3.2. The UK voted to leave the EU in a referendum held on 23 June 2016. Under the European Union (Withdrawal Bill) Act 2018, directly applicable EU legislation and EU-derived domestic legislation, will continue to have effect in domestic law on and after exit day (as it applied immediately before then).
- 3.3. There are a number of references relating to Northern Ireland environmental legislation that are predicated on UK Membership of the EU. Without amendment, these provisions will not be operable following the UK's exit. For example the legislation contains referential

amendments such as; The Landfill Regulations (Northern Ireland) 2003 in regulation 2(2) (Interpretation)— In the definition of “waste” at the end add, “as last amended by Council Regulation (EU) 2017/997”.

3.4.

4. Consultation

- 4.1. The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018, being technical in nature, and making no substantive change to the regime, and are not subject to the requirement for Consultation.

5. Equality Impact

- 5.1. In accordance with the guidance produced by the Equality Commission for Northern Ireland and in keeping with Regulation 75 of the Northern Ireland Act 1998, the proposals in this Statutory Rule have been screened for equality impact and it is concluded that a full Equality Impact Assessment is not required.
- 5.2. The record of the screening exercise has been placed on record with the DAERA Equality Unit as required.

6. Regulatory Impact

- 6.1. Due to these Regulations being technical in nature, they do not place any direct or indirect additional burdens on businesses, charities, voluntary bodies or the public sector generally.
- 6.2. In accordance with section 1(1) of the Rural Needs Act 2016, the proposals in these Regulations have been subjected to a Rural Needs Impact Assessment ('RNIA'). This RNIA has been placed on record by DAERA's Environmental Policy Division.

7. Financial Implications

- 7.1. There are no financial implications associated with these Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Statutory Rule complies with all of the provisions set out in Section 24, as amended by the European Union (Withdrawal) Act 2018.

9. EU Implications

- 9.1. None

10. Parity or Replicatory Measure

- 10.1. This Statutory Regulation will maintain parity with Great Britain by ensuring the Northern Ireland statute book is up to date and the EU aquis is fully transposed.

11. Additional Information

- 11.1. Not applicable.