

## **EXPLANATORY MEMORANDUM TO**

### **The Waste (Fees and Charges) (Amendment) Regulations (Northern Ireland) 2018**

**SR 2018 No. 91**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by 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 Waste (Fees and Charges) (Amendment) Regulations (Northern Ireland) 2018 will amend the fees and charges for waste management licenses under the Waste Management Licensing Regulations (Northern Ireland) 2003 (the 2003 Regulations) and the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 (the 1999 Regulations) to ensure they are sufficient to recover the costs for the Department exercising its functions.

#### **3. Background**

- 3.1. In line with the polluter pays principle, the Northern Ireland Environment Agency (NIEA) recovers 100% of its costs in relation to its functions as regulator of waste activities. This is achieved largely through its Charging Scheme. The Chief Executive of NIEA approved the NIEA Regulatory Charging Schemes for 2018/19 on 27 March 2018,
- 3.2. Fees and charges in relation to the registration of brokers, dealers and carriers of waste and the processing of exemptions from waste management licensing are imposed directly via the 1999 Regulations and the 2003 Regulations. The increases are set out in the Charging Scheme but, in the absence of a legal basis for doing so, not implemented until the Regulations come into force. The proposed Statutory Rule amends the Regulations to increase the fees and charges in line with inflation and the recently uplifted Charging Scheme for 2018/19.

#### **4. Consultation**

- 4.1. NIEA consulted on the proposed Regulatory Charging Policy 2016/2021 between 30 January 2016 and 24 March 2016, the uplift of these charges was included in the consultation.

#### **5. Equality Impact**

- 5.1. It was determined at the time of the original consultation that changes made by this Rule would have no impact in terms of Section 75 of the

Northern Ireland Act 1998. There are no equality issues associated with these Regulations.

## **6. Regulatory Impact**

- 6.1. An Impact Assessment was carried out as part of the original consultation process and concluded that introduction of these Regulations would have no major impact.

## **7. Financial Implications**

- 7.1. The current proposal represents increases of between £1 to £9 applied annually and £13 applied tri-annually dependent on the activity. For example: there are increases from £73 to £74 p.a. for certain applications and registrations. Registrations in connection with certain exemptions are around £600-£800 and increase by £13.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Statutory Rule complies with the provisions set out in Section 24.

## **9. EU Implications**

- 9.1. Introduction of the Regulations ensures better compliance with the requirements of the Waste Framework Directive.

## **10. Parity or Replicatory Measure**

- 10.1. The Environmental Permitting (England and Wales) Regulations 2010 sets out waste management licensing requirements (as permits) including fees and charges for England and Wales. Waste permit fees and charges are increased on an annual basis.

## **11. Additional Information**

- 11.1. Not applicable.