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STATUTORY INSTRUMENTS

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**2009 No. 3275**

**ENVIRONMENTAL PROTECTION, ENGLAND**

**The Environmental Damage (Prevention and  
Remediation) (Amendment) Regulations 2009**

*Made* - - - - *10th December 2009*  
*Laid before Parliament* *15th December 2009*  
*Coming into force* - - *12th January 2010*

The Secretary of State has been designated in respect of the environment<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup>, and makes these Regulations under the powers conferred by that section.

**Title, commencement and application**

1. These Regulations may be cited as the Environmental Damage (Prevention and Remediation) (Amendment) Regulations 2009 and come into force on 12<sup>th</sup> January 2010.

**Amendments**

2. The Environmental Damage (Prevention and Remediation) Regulations 2009<sup>(3)</sup> are amended as follows.

3. In regulation 6(1), in the table—

- (a) for the words “seabed of the continental shelf” substitute “seabed out to the limits of the continental shelf”.
- (b) for the words “in the renewable energy zone” substitute “out to the limits of the renewable energy zone”.

4. In paragraph 5 of Schedule 1, after the words “the Conservation (Natural Habitats, etc.) Regulations 1994<sup>(4)</sup>” add “the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001<sup>(5)</sup>, the Offshore Marine Conservation (Natural Habitats, etc.) Regulations 2007<sup>(6)</sup>”.

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(1) S.I. 2008/301.  
(2) 1972 c. 68. Paragraph 1a was inserted into Schedule 2 by section 28 of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#).  
(3) S.I. 2009/153. The 2009 Regulations make provision for implementing in England, surrounding waters and in marine areas where the United Kingdom has jurisdiction beyond the territorial sea, Directive [2004/35/EC](#) of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage.  
(4) S.I. 1994/2716 as last amended by S.I. 2009/6.  
(5) S.I. 2001/1754, as last amended by S.I. 2007/1842.  
(6) S.I. 2007/1842, as amended by S.I. 2009/7.

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**Status:** *This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.*

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10th December 2009

*Jim Fitzpatrick*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Environmental Damage (Prevention and Remediation) Regulations 2009 (“the 2009 Regulations”) which implemented Directive [2004/35/EC](#) of the European Parliament and of the Council (OJ No L 143, 30.4.2004, p. 56) on environmental liability with regard to the prevention and remedying of environmental damage as amended by Directive [2006/21/EC](#) (OJ No L102, 11.4.2006, p. 15).

Regulation 3 corrects the application of the 2009 Regulations with respect to the sea adjoining England.

Regulation 4 amends paragraph 5 of Schedule 1 to the 2009 Regulations, by adding references to regulations implementing Directive [92/43/EC](#) (OJ No L 206, 22.7.1992, p. 7 as last amended by Council Directive [2006/105/EC](#) (OJ No L 363, 20.12.2006, p. 368) and Directive [79/409/EEC](#) (OJ No L 103, 25.4.1979, p. 1 as last amended by Council Directive [2008/102/EC](#), OJ No L323, 3.12.008, p. 31) in relation to marine areas where the United Kingdom exercises jurisdiction beyond its territorial sea.

A transposition note setting out how the 2009 Regulations, as amended by this instrument, transpose the provisions of Directive [2004/35/EC](#), is available on the Defra website at [www.defra.gov.uk](http://www.defra.gov.uk).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.