
STATUTORY INSTRUMENTS

2009 No. 216

ENVIRONMENTAL PROTECTION

The Ozone-Depleting Substances
(Qualifications) Regulations 2009 (revoked)^{F1}

<i>Made</i>	- - - -	<i>4th February 2009</i>
<i>Laid before Parliament</i>		<i>11th February 2009</i>
<i>Coming into force</i>	- -	<i>9th March 2009</i>

F1

Textual Amendments

F1 Regulations revoked (7.3.2015) by [The Ozone-Depleting Substances Regulations 2015 \(S.I. 2015/168\)](#), regs 1(2), **21(1)(a)** (with regs. 1(3), 12(7))

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Ozone-Depleting Substances (Qualifications) Regulations 2009 (revoked). Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace, with amendments, the Ozone Depleting Substances (Qualifications) Regulations 2006 (S.I. 2006/1510), as amended by the Ozone Depleting Substances (Qualifications) (Amendment) Regulations 2008 (S.I. 2008/97). The main changes are to extend the range of bodies responsible for enforcing the Regulations to include local authorities and port health authorities, and to amend the list of qualifications contained in Schedule 1.

These Regulations, which extend to England and Wales and Scotland, continue to give effect to the provisions in Articles 16.5 and 17.1, first paragraph, of Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer (OJ No L 244, 29.9.00, p 1).

These Regulations relate to minimum qualifications for those working on the recovery, recycling, reclamation or destruction of controlled substances and the prevention and minimising of leakages of controlled substances. The terms “controlled substances”, “recovery”, “recycling” and “reclamation” are defined in Article 2 of Regulation (EC) No 2037/2000.

Under regulation 5, it is an offence for a person to carry out relevant work involving controlled substances or work with methyl bromide unless that person is competent to do so. The terms “competent” and “relevant work” are defined in regulations 3 and 4 respectively. The term “work with methyl bromide” is defined in regulation 2. Details of the qualifications which a person needs in order to carry out certain types of relevant work are contained in the Table in Schedule 1.

Regulation 5 also contains provisions making it an offence for an employer to employ a person to carry out relevant work or work with methyl bromide unless that person is competent to do so. Provisions about training are contained in regulation 6.

Regulations 7 and 8 deal with the enforcement of these Regulations by authorised persons. Regulations 9 to 11 contain provisions relating to offences and penalties, and regulation 12 contains revocations.

A full regulatory impact assessment of the effect of the Ozone Depleting Substances (Qualifications) Regulations 2006 on the costs of business was prepared at the time those Regulations were made and is still considered to be accurate. No impact assessment has been produced for this instrument as no new impact on the costs of business is foreseen. Copies of the 2006 assessment can be obtained from the Department for Environment, Food and Rural Affairs, Atmospheric Quality and Industrial Pollution, Area 3F Ergon House c/o Nobel House, 17 Smith Square, London, SW1P 3JR. A copy of that assessment has been placed in the library of each House of Parliament.

Changes to legislation:

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Changes and effects yet to be applied to :

- reg. 7(1) words substituted by [S.I. 2013/755 Sch. 4 para. 314\(2\)](#)
- reg. 7(2) words substituted by [S.I. 2013/755 Sch. 4 para. 314\(2\)](#)
- reg. 7(4) words substituted by [S.I. 2013/755 Sch. 4 para. 314\(2\)](#)
- reg. 7(5) words substituted by [S.I. 2013/755 Sch. 4 para. 314\(3\)](#)