

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Environmental Better Regulation Act (Northern Ireland) 2016, Cross Heading: Provisions common to permits and registration. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 1

MATTERS FOR, OR IN CONNECTION WITH, WHICH REGULATIONS MAY BE MADE UNDER SECTION 2

Provisions common to permits and registration

7.—(1) Enabling the granting of permits, or the registration of activities, authorising the carrying on of—

- (a) one or more regulated activities; or
- (b) a regulated activity at one, or more than one, place.

(2) Securing that permits and registrations have effect subject to standard rules specified in, or made under, the regulations.

(3) Specifying a procedure under which the Department may make such rules.

(4) Specifying conditions subject to which a permit or registration has effect including a condition that the person authorised to carry on the regulated activities by grant of a permit or by registration must—

- (a) carry out specified works or do other specified things on, or in relation to, any land despite not being entitled to do so without a right being granted in relation to the land by a person whose consent would be required; or
- (b) remain a fit and proper person within the meaning of the regulations.

(5) Specifying restrictions or other requirements in connection with—

- (a) applications for permits or registration;
- (b) the grant of permits (including provisions for restricting the grant of permits to those who are fit and proper persons within the meaning of the regulations); or
- (c) the registration of regulated activities (including provisions for restricting registration to the carrying on of such activities by those who are fit and proper persons within the meaning of the regulations).

(6) Requiring persons carrying on regulated activities the carrying on of which is authorised by grant of a permit or by registration to submit to regulators, in respect of specified periods and at specified intervals, such information as may

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be specified relating to the carrying on of the activities and compliance with any conditions subject to which the permit or registration was granted.

(7) Specifying the circumstances in which, and conditions subject to which, persons or classes of persons may be treated as—

- (a) having control over activities the carrying on of which is authorised by grant of a permit or by registration (including complying with any conditions or requirements of the permit or registration);
- (b) carrying on a regulated activity for the purposes of notices that may be served by regulators under paragraph 12(4); or
- (c) authorised to carry on a regulated activity without having applied for a permit or registration in respect of that activity.

(8) Enabling the granting of a permit to, or registration of the carrying on of regulated activities by, more than one person.

(9) Enabling permits and registrations—

- (a) to be varied, transferred, surrendered, suspended or revoked wholly or in part;
- (b) to be varied, suspended or revoked wholly or in part in consequence of the person to whom the permit was granted, or (as the case may be) who is authorised to carry on the regulated activities to which the registration relates, ceasing to be a fit and proper person within the meaning of the regulations; or
- (c) to be consolidated.

(10) Providing for the transfer of a permit or registration to be refused if the person to whom it is proposed to be transferred is not a fit and proper person within the meaning of the regulations.

(11) Authorising the imposition by regulators of requirements with respect to the taking of preventative or remedial action (by holders of permits or other persons) in connection with the surrender, suspension or revocation of permits or registrations, including a requirement to carry out specified works or do other specified things on, or in relation to, any land despite not being entitled to do so without a right being granted in relation to the land by a person whose consent would be required.

(12) Requiring a person whose consent would be required to the carrying out of works or the doing of other things on, or in relation to, any land under a condition of a permit or registration or by a requirement under sub-paragraph (11) to grant, or join in granting, such rights in relation to the land as will enable a person required to carry out those works or do those things to carry out those works or do those things.

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