
STATUTORY INSTRUMENTS

2002 No. 3153

The Environment (Northern Ireland) Order 2002

PART III

AIR QUALITY

Air quality

Regulations

15.—(1) Regulations may make provision—

- (a) for, or in connection with, implementing the strategy; or
- (b) for, or in connection with implementing—
 - (i) [^{F1}assimilated] obligations;] or
 - (ii) any international agreement to which the United Kingdom is for the time being a party,so far as relating to the quality of air; or
- (c) otherwise with respect to the assessment or management of the quality of air.

(2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may make provision—

- (a) prescribing standards relating to the quality of air;
- (b) prescribing objectives for the restriction of the levels at which particular substances are present in the air;
- (c) conferring or imposing functions on prescribed competent authorities;
- (d) for or in connection with—
 - (i) authorising prescribed competent authorities (whether by agreements or otherwise) to exercise any functions of the Department on its behalf;
 - (ii) directing that functions of the Department shall be exercisable concurrently with prescribed competent authorities; or
 - (iii) transferring functions of the Department to prescribed competent authorities;
- (e) prohibiting or restricting, or for or in connection with prohibiting or restricting,—
 - (i) the carrying on of prescribed activities, or
 - (ii) the access of prescribed vehicles or mobile equipment to prescribed areas, whether generally or in prescribed circumstances;
- (f) for or in connection with the designation of air quality management areas by orders made by district councils in such cases or circumstances not falling within Article 12 as may be prescribed;

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Changes to legislation: There are currently no known outstanding effects for the The Environment (Northern Ireland) Order 2002, Section 15. (See end of Document for details)

- (g) for the application, with or without modifications, of any provisions of this Part in relation to areas designated by virtue of sub-paragraph (f) or in relation to orders made by virtue of that sub-paragraph;
 - (h) with respect to—
 - (i) air quality reviews;
 - (ii) assessments under this Part;
 - (iii) orders designating air quality management areas; or
 - (iv) action plans;
 - (j) prescribing measures which are to be adopted by prescribed competent authorities (whether in action plans or otherwise) or other persons in order to comply with, or in pursuance of the achievement of, air quality standards or objectives;
 - (k) for or in connection with the communication to the public of information relating to quality for the time being, or likely future quality, of the air;
 - (l) for or in connection with the obtaining by prescribed competent authorities from any person of information which is reasonably necessary for the discharge of functions conferred or imposed on them under this Part;
 - (m) for or in connection with the recovery by a district council from prescribed persons in prescribed circumstances, and in such manner as may be prescribed, of costs incurred by the council in discharging functions conferred or imposed on the council under this Part;
 - (n) for a person who contravenes any prescribed provision of the regulations to be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or such lower level on that scale as may be prescribed in relation to the offence;
 - (o) for or in connection with arrangements under which a person may discharge any liability to conviction for a prescribed offence by payment of a penalty of a prescribed amount;
 - (p) for or in connection with appeals against determinations or decisions made, notices given or served, or other things done under the regulations.
- (3) Without prejudice to the generality of sub-paragraph (h) of paragraph (2), the provision that may be made by virtue of that sub-paragraph includes provision for or in connection with any of the following, that is to say—
- (a) the scope or form of a review or assessment;
 - (b) the scope, content or form of an action plan;
 - (c) the time at which, period within which, or manner in which a review or assessment is to be carried out, or a report of the results of an assessment or an action plan is to be prepared;
 - (d) the methods to be employed—
 - (i) in carrying out reviews or assessments; or
 - (ii) in monitoring the effectiveness of action plans;
 - (e) the factors to be taken into account in preparing action plans;
 - (f) the actions which must be taken by prescribed competent authorities or other persons in consequence of reviews, assessments or action plans;
 - (g) requirements for consultation;
 - (h) the treatment of representations or objections duly made;
 - (j) the publication of, or the making available to the public of, or of copies of,—
 - (i) the results, or reports of the results, of reviews or assessments; or
 - (ii) orders or action plans;

- (k) requirements for—
 - (i) copies of any such reports, orders or action plans, or
 - (ii) prescribed information, in such form as may be prescribed, relating to reviews or assessments,
- (4) In determining—
 - (a) any appeal against, or reference or review of, a decision of a district council under regulations, or
 - (b) any application transmitted from a district council under any such regulations,the body or person making the determination shall be bound by any direction given by the Department to the district council to the same extent as the council.
- (5) The provisions of any regulations may include—
 - (a) provision for anything that may be prescribed by the regulations to be determined under the regulations and for anything falling to be so determined to be determined by such persons, in accordance with such procedure and by reference to such matters, and to the opinion of such persons, as may be prescribed; and
 - (b) such supplemental, consequential, incidental, transitional or saving provisions (including provisions amending, repealing or revoking statutory provisions) as the Department considers appropriate.
- (6) Before making any regulations, the Department shall consult—
 - (a) such competent authorities as the Department considers appropriate;
 - (b) such bodies or persons appearing to it to be representative of the interests of industry as it may consider appropriate; and
 - (c) such other bodies or persons as it may consider appropriate.

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| <p>F1 Words in art. 15(1)(b)(i) substituted (31.12.2020) by The Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/584), regs. 1, 22 (with reg. 46(3)); 2020 c. 1, Sch. 5 para. 1(1)</p> <p>F2 Word in art. 15(1)(b)(i) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 49(2)(c)</p> |
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