

## SCHEDULES

### SCHEDULE 1

#### PARTICULAR PURPOSES FOR WHICH PROVISION MAY BE MADE UNDER ARTICLE 4

### PART II

#### SUPPLEMENTARY PROVISIONS

##### *Particular types of pollution*

**21.** The regulations may provide for specified provisions of the regulations to have effect in relation only to such environmental pollution as is specified.

##### *Determination of matters by enforcing authorities*

**22.** The regulations may make provision for anything which, by virtue of paragraphs 5 to 8, could be provided for by the regulations to be determined under the regulations by enforcing authorities.

##### *Imposition of conditions*

**23.** In connection with the determination of conditions as mentioned in paragraph 6(3)(a) the regulations may in particular provide—

- (a) for such conditions to be determined in the light of any specified general principles and any directions or guidance given under the regulations;
- (b) for such guidance to include guidance sanctioning reliance by an enforcing authority on any arrangements referred to in the guidance to operate to secure a particular result as an alternative to imposing a condition.

##### *Charging schemes*

**24.** The regulations may require any such scheme as is mentioned in paragraph 9 <sup>[<sup>F1</sup>]</sup>, <sup>[<sup>F2</sup>]</sup>...<sup>[<sup>F3</sup> 9B]</sup> or 10 to be so framed that the fees and charges payable under the scheme are sufficient, taking one year with another, to cover such expenditure (whether or not incurred by the enforcing authority or other person to whom they are so payable) as is specified.

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| <b>F1</b> | Words in Sch. 1 para. 24 inserted (1.4.2010) by Environment (Northern Ireland) Order 2002 (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/92), regs. 1(1), <b>2(2)(b)</b>                                   |
| <b>F2</b> | Word in Sch. 1 para. 24 omitted (3.12.2012) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, <b>11(1)</b>                           |
| <b>F3</b> | Word in Sch. 1 para. 24 inserted (1.1.2012) by Greenhouse Gas Emissions Trading Scheme (Amendment) (Registries and Fees etc.) Regulations 2011 (S.I. 2011/2911), reg. 4, <b>Sch. para. 26</b> (with Sch. paras. 33-36) |

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

[<sup>F4</sup>24A. The regulations may require any scheme as is mentioned in paragraph <sup>F5</sup>...[<sup>F6</sup>9B] to include provision which gives effect to any proposal of the Environment Agency to prescribe <sup>F7</sup>...[<sup>F8</sup>registry charges] and for any such charges to be paid to that Agency.]

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| <b>F4</b> | Sch. 1 para. 24A inserted (1.4.2010) by Environment (Northern Ireland) Order 2002 (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/92), regs. 1(1), <b>2(2)(c)</b>  |
| <b>F5</b> | Words in Sch. 1 para. 24A omitted (3.12.2012) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, <b>11(2)(a)</b>                           |
| <b>F6</b> | Words in Sch. 1 para. 24A inserted (1.1.2012) by Greenhouse Gas Emissions Trading Scheme (Amendment) (Registries and Fees etc.) Regulations 2011 (S.I. 2011/2911), reg. 4, <b>Sch. para. 27(a)</b> (with Sch. paras. 33-36) |
| <b>F7</b> | Words in Sch. 1 para. 24A omitted (3.12.2012) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, <b>11(2)(b)</b>                           |
| <b>F8</b> | Words in Sch. 1 para. 24A inserted (1.1.2012) by Greenhouse Gas Emissions Trading Scheme (Amendment) (Registries and Fees etc.) Regulations 2011 (S.I. 2011/2911), reg. 4, <b>Sch. para. 27(b)</b> (with Sch. paras. 33-36) |

### *Offences*

25.—(1) The regulations may provide for any such offence as is mentioned in paragraph 17 to be triable—

- (a) only summarily; or
  - (b) either summarily or on indictment
- (2) The regulations may provide for such an offence to be punishable—
- (a) on summary conviction by—
    - (i) imprisonment for a term not exceeding such period as is specified (which may not exceed six months), or
    - (ii) a fine not exceeding such amount as is specified (which may not exceed [<sup>F9</sup>£50,000]), or both; or
  - (b) on conviction on indictment by—
    - (i) imprisonment for a term not exceeding such period as is specified (which may not exceed five years), or
    - (ii) a fine,
 or both.

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| <b>F9</b> | Sum in Sch. 1 para. 25(2)(a)(ii) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), ss. 73, 78; S.R. 2012/13, art. 2(2), Sch. 2 |
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### *Interpretation*

26. In this Schedule—

<sup>F10</sup> ...

<sup>F10</sup> ...

[<sup>F11</sup> “ Environment Agency ” means the Agency constituted under the Environment Act 1995; ]

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[<sup>F12</sup> “the EU ETS Directive ” means Directive 2003/87/ EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emissions allowance trading within the Community and amending Council Directive 96/61/ EC , as amended from time to time; ]

“public body” means a body established or constituted by or under a statutory provision;

[<sup>F13</sup>“the Registries Regulation 2013” means Commission Regulation (EU) No 389/2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 290/204/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011, as amended from time to time;]

“the regulations” means regulations under Article 4;

“specified” means specified in regulations under that Article [<sup>F14</sup>.:]

[<sup>F15</sup>“trading scheme registry” means any registry operated by the Environment Agency for the purpose of meeting the obligations of the United Kingdom referred to in Articles 4(3) and 5(1) of the Registries Regulation 2013.]

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| <p><b>F10</b> Words in Sch. 1 para. 26 omitted (3.12.2012) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, <b>12(2)</b></p> <p><b>F11</b> Sch.1 para. 26: definition of "Environment Agency" inserted (1.4.2010) by Environment (Northern Ireland) Order 2002 (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/92), regs. 1(1), <b>2(2)(d)(i)</b></p> <p><b>F12</b> Words in Sch. 1 para. 26 inserted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, <b>12(3)</b></p> <p><b>F13</b> Words in Sch. 1 para. 26 substituted (31.1.2014) by The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory (Amendment) Regulations 2013 (S.I. 2013/3135), regs. 1, <b>16(2)</b></p> <p><b>F14</b> In Sch.1 para. 26 ":" substituted (1.4.2010) by Environment (Northern Ireland) Order 2002 (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/92), regs. 1(1), <b>2(2)(d)(ii)</b></p> <p><b>F15</b> Words in Sch. 1 para. 26 substituted (31.1.2014) by The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory (Amendment) Regulations 2013 (S.I. 2013/3135), regs. 1, <b>16(3)</b></p> |
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