

STATUTORY RULES OF NORTHERN IRELAND

2010 No. 92

ENVIRONMENTAL PROTECTION

**The Environment (Northern Ireland) Order 2002
(Amendment) Regulations (Northern Ireland) 2010**

Made - - - - *10th March 2010*
Coming into operation *12th April 2010*

The Department of the Environment is a department designated⁽¹⁾ for the purpose of making Regulations under section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the environment.

The Department, in exercise of the powers conferred on it by that section, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environment (Northern Ireland) Order 2002 (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 1st April 2010.

(2) The Interpretation Act (Northern Ireland) 1954⁽³⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Commencement Information

II Reg. 1 in operation at 1.4.2010, see [reg. 1\(1\)](#)

Amendment to the Environment (Northern Ireland) Order 2002

2.—(1) The Environment (Northern Ireland) Order 2002⁽⁴⁾ shall be amended in accordance with paragraph (2).

(2) In Schedule 1—

^{F1}(a)

(1) S.I. 2008/301
(2) 1972 c.68
(3) 1954 c.33 (N.I.)
(4) 2002 No. 3153 (N.I. 7)

^{F1}(b)

(c) After paragraph 24 insert—

“**24A.** The regulations may require any scheme as is mentioned in paragraph 9A to include provision which gives effect to any proposal of the Environment Agency to prescribe operator registry charges and for any such charges to be paid to that Agency.”

(d) In paragraph 26,

(i) at the appropriate alphabetical place, insert—

““allowance” and “operator” have the same meaning as in the 2005 regulations;” and

““Environment Agency” means the Agency constituted under the Environment Act 1995(5);”

(ii) after “under that Article”, for “.” substitute “.”; and

^{F2}(iii)

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| F1 | Reg. 2(2)(a)(b) revoked (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788) , regs. 1, 17(3)(a) |
| F2 | Reg. 2(2)(d)(iii) revoked (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788) , regs. 1, 17(3)(b) |
| Commencement Information | |
| I2 | Reg. 2 in operation at 1.4.2010, see reg. 1(1) |

Amendment to Regulation 18 of the Greenhouse Gas Emissions Trading Scheme Regulations 2005

^{F3}3.

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| F3 | Reg. 3 revoked (1.1.2013) by The Greenhouse Gas Emissions Trading Scheme Regulations 2012 (S.I. 2012/3038) , regs. 1, 85(b)(v) (with regs. 85, 87, Sch. 1) |
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Sealed with the Official Seal of the Department of the Environment on 10th March 2010



Denis McMahon
A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Environment (Northern Ireland) Order 2002 to allow the Department to provide by regulations for a Northern Ireland charging scheme for the cost of regulating the EU Emissions Trading Scheme.

Regulation 2 provides new paragraphs 9A and 24A to be inserted into Schedule 1 to the Environment (Northern Ireland) Order 2002. The purpose is to provide for the inclusion of fees and charges related to greenhouse gas emissions permits and operator registry costs in the list of purposes for which the Department is authorised to make a charging scheme. It also provides that the operator charges received by the enforcing authority are to be passed to the Environment Agency.

Regulation 3 amends Regulation 18(3) of the Greenhouse Gas Emissions Trading Scheme Regulations 2005 by the insertion of a new sub-paragraph to provide that the fees and charges set out in Schedule 5 to the Greenhouse Gas Emissions Trading Scheme Regulations 2005 may be superseded by a charging scheme made in respect of installations (other than offshore installations) situated in Northern Ireland, under Article 4 of the Environment (Northern Ireland) Order 2002.

Changes to legislation:

There are currently no known outstanding effects for the The Environment (Northern Ireland) Order 2002 (Amendment) Regulations (Northern Ireland) 2010.