
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace and consolidate the Ozone-Depleting Substances (Qualifications) Regulations 2009 (S.I. 2009/216) and the Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2011 (S.I. 2011/1543).

These Regulations provide for the execution and enforcement of Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer (OJ No L 286, 31.10.2009, p.1), as amended by Commission Regulations (EU) No 744/2010 (OJ No L218, 19.8.2010, p.2), (EU) No 1087/2013 (OJ No L293, 5.11.2013, p.28) and (EU) No 1088/2013 (OJ No L293, 5.11.2013, p.29), (“the EU Regulation”).

The EU Regulation controls the production, placing on the market and use of substances that deplete the ozone layer and require that those who work on the recovery, recycling, reclamation or destruction of controlled substances and the prevention and minimising of leakages of controlled substances have minimum qualifications. The terms “controlled substances”, “recovery”, “recycling” and “reclamation” are defined in Article 3 of the EU Regulation.

Regulations 4 to 7 deal with the qualifications required to be “competent” to undertake “relevant work” in relation to controlled substances. “Competent” is defined in regulation 4 and “relevant work” in regulation 5. Provisions about training are contained in regulation 6. 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 2.

Under regulation 8, 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 term “work with methyl bromide” is defined in regulation 2.

Regulation 9 provides for offences in relation to failure to comply with the EU Regulation.

Regulation 10 provides for penalties in relation to the offences created by the Regulations.

Regulations 12 and 13 deal with the enforcement of these Regulations by authorised persons.

Regulations 14 to 19 deal with enforcement powers, notices, offences and rights of appeal.

Regulation 21 contains revocations.

These Regulations extend to Great Britain and extend to Northern Ireland only in so far as they relate to import and export controlled by the EU Regulation.

An impact assessment has not been produced for this instrument as no impact is foreseen on the private, voluntary or public sectors. The Explanatory Memorandum is available at www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Ozone-Depleting Substances Regulations 2015.