

2021 No. 1397

ENVIRONMENTAL PROTECTION

**The Ozone-Depleting Substances (Grant of Halon Derogations)
Regulations 2021**

Made - - - - at 1.00 p.m. on 9th December 2021

Laid before Parliament at 3.30 p.m. on 9th December 2021

Coming into force 31st December 2021

The Secretary of State, with the consent of the Scottish Ministers^(a) and the Welsh Ministers^(b), makes these Regulations in exercise of the power conferred by Article 13(4) of Regulation (EC) No 1005/2009 (recast) of the European Parliament and of the Council of 16th September 2009 on substances that deplete the ozone layer^(c).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Ozone-Depleting Substances (Grant of Halon Derogations) Regulations 2021 and come into force on 31st December 2021.

(2) These Regulations extend to England and Wales and Scotland.

Interpretation

2. In these Regulations—

“halon 1301” means the substance of that name as described in Annex I of the Ozone-Depleting Substances Regulation.

“Ozone-Depleting Substances Regulation” means Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer.

“relevant applications” means—

- (a) the engine nacelle fire suppression system in Apache AH-64E helicopters;
- (b) the engine nacelle fire suppression system in Boeing E7 Wedgetail AEW Mk 1 aircraft; and,
- (c) the auxiliary power unit fire suppression system in Boeing E7 Wedgetail AEW Mk 1 aircraft.

(a) Consent of the Scottish Ministers is required by Article 25A(1) EUR 1005/2009, as amended by S.I. 2019/583.
(b) Consent of the Welsh Ministers is required by Article 25B(1) EUR 1005/2009, as amended by S.I. 2019/538.
(c) EUR 1005/2009, as amended by S.I. 2019/583.

Derogation

3. By way of derogation from the existing arrangements for critical uses of controlled substances in the Ozone-Depleting Substances Regulation, the cut-off date in row 4.3 of the table in Annex VI(a) does not apply in relation to the use of halon 1301 for the relevant applications.

Jo Churchill

Parliamentary Under Secretary of State

at 1.00 p.m. on 9th December 2021

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for specific derogations from the current arrangements relating to critical uses of a controlled substance, halon 1301, in Regulation (EC) 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer (“Ozone-Depleting Substances Regulation”). The Ozone-Depleting Substances Regulation forms part of retained EU law.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum for this instrument has been published alongside these Regulations at www.legislation.gov.uk.

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(a) As amended by EUR 744/2010.

£4.90

<http://www.legislation.gov.uk/id/uksi/2021/1397>

ISBN 978-0-34-823001-7



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