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STATUTORY INSTRUMENTS

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**2002 No. 3153**

**The Environment (Northern Ireland) Order 2002**

**PART III**

**AIR QUALITY**

*Air quality*

**Reserve powers**

**14.**—(1) The Department may conduct or make, or cause to be conducted or made—

- (a) a review of the quality for the time being, and the likely future quality within the relevant period, of air within the district of any district council;
- (b) an assessment of whether air quality standards and objectives are being achieved, or are likely to be achieved within the relevant period, within the district of a district council;
- (c) an identification of any parts of the district of a district council in which it appears that those standards or objectives are not likely to be achieved within the relevant period; or
- (d) an assessment of the respects (if any) in which it appears that air quality standards or objectives are not being achieved, or are not likely within the relevant period to be achieved, within the district of a district council or within a designated area.

(2) Where the Department exercises any of its powers under paragraph (1) in respect of the district of any district council, it may recover the reasonable expenses incurred by it in the exercise of such powers from that council

(3) If it appears to the Department—

- (a) that air quality standards or objectives are not being achieved, or are not likely within the relevant period to be achieved, within the district of a district council;
- (b) that a district council has failed to discharge any duty imposed on it under this Part;
- (c) that the actions, or proposed actions, of a district council in purported compliance with the provisions of this Part are inappropriate in all the circumstances of the case; or
- (d) that developments in science or technology, or material changes in circumstances, have rendered inappropriate the actions or proposed actions of a district council in pursuance of this Part,

the Department may give directions to the district council requiring it to take such steps as may be specified in the directions.

(4) Without prejudice to the generality of paragraph (3), directions under that paragraph may, in particular, require a district council—

- (a) to cause an air quality review to be conducted under Article 11 in accordance with the directions;

- (b) to cause an air quality review under Article 11 to be conducted afresh, whether in whole or in part, or to be so conducted with such differences as may be specified or described in the directions;
  - (c) to make an order under Article 12 designating as an air quality management area an area specified in, or determined in accordance with, the directions;
  - (d) to revoke, or modify in accordance with the directions, any order under that Article;
  - (e) to prepare in accordance with the directions an action plan for a designated area;
  - (f) to modify, in accordance with the directions, any action plan prepared by the council; or
  - (g) to implement, in accordance with the directions, any measures in an action plan.
- (5) The Department shall also have power to give directions to district councils requiring them to take such steps specified in the directions as the Department considers appropriate for the implementation of—
- (a) [<sup>F1</sup>assimilated] obligations], or
  - (b) any international agreement to which the United Kingdom is for the time being a party,
- so far as relating to the quality of air.
- (6) The Department shall after giving any direction under this Article cause to be published in the Belfast Gazette and once at least in each of two successive weeks in more than one newspaper circulating in the district to which the direction relates a notice—
- (a) stating that the direction has been given and its general effect; an
  - (b) specifying a place in the district of the council where a copy of the direction may be inspected by any person free of charge at all reasonable times.
- (7) A district council shall comply with any direction given to it under this Part.

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| <b>F1</b> | Words in art. 14(5)(a) substituted (31.12.2020) by <a href="#">The Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/584)</a> , regs. 1, <b>21</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F2</b> | Word in art. 14(5)(a) substituted (1.1.2024) by <a href="#">The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424)</a> , reg. 1(2), <b>Sch. para. 49(2)(b)</b>        |

**Changes to legislation:**

There are currently no known outstanding effects for the The Environment (Northern Ireland) Order 2002, Section 14.