
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 280

The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004

PART I

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 and shall come into operation on 22nd July 2004.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly⁽¹⁾.

(2) In these Regulations –

“consultation body” has the meaning given by regulation 4;

“Department” means a Department specified in Schedule 1 to the Departments (Northern Ireland) Order 1999⁽²⁾;

“the Habitats Directive” means Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild flora and fauna, as last amended by Council Directive [97/62/EC](#)⁽³⁾;

“plans and programmes” means plans and programmes, including those co-financed by the European Community, as well as any modifications to them, which –

- (a) are subject to preparation and/or adoption by an authority at national, regional or local level; or
- (b) are prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case,
- (c) are required by legislative, regulatory or administrative provisions;

“the Environmental Assessment of Plans and Programmes Directive” means Directive [2001/42/EC](#)⁽⁴⁾ of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment;

“responsible authority”, in relation to a plan or programme, means –

- (a) the authority by which, or on whose behalf, it is prepared; and

(1) 1954 c. 33 (N.I.)

(2) S.I.1999/283 (N.I. 1)

(3) O.J. No. L206, 22.7.1992. The last amending Directive is at O.J. No. L305, 8.11.1997, p. 42

(4) O.J. No. L197, 21.7.2001, p. 30

- (b) where, at any particular time, that authority ceases to be responsible, or solely responsible, for taking steps in relation to the plan or programme, the person who, at that time, is responsible (solely or jointly with the authority) for taking those steps.

“the Department concerned” in relation to any purpose or function under these regulations means the government department concerned with that purpose or function, and if any question arises as to what department is the department concerned, the question shall be determined by the Department of the Environment.

“Northern Ireland” has the meaning given by section 98 of the Northern Ireland Act 1998⁽⁵⁾.

- (3) Other expressions used both in these Regulations and in the Environmental Assessment of Plans and Programmes Directive have the same meaning in these Regulations as they have in that Directive.

Application

3.—(1) These Regulations apply as regards a plan or programme relating solely to the whole or any part of Northern Ireland.

(2) These regulations shall bind the Crown.

Consultation body

4.—(1) Subject to paragraph (2), for the purposes of these Regulations, the Department of the Environment shall be the consultation body.

(2) Where the Department of the Environment is at any time the responsible authority as regards a plan or programme, it shall not at that time exercise the functions under these Regulations of the consultation body in relation to that plan or programme; and references to the consultation body in the following provisions of these Regulations shall be construed accordingly.

(5) 1998 c. 47 (N.I.)