
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 387

The Environmental Noise Regulations (Northern Ireland) 2006

PART 6

POWERS OF THE DEPARTMENT IN RELATION TO THE
FUNCTIONS OF OTHER COMPETENT AUTHORITIES

Application

48. This Part does not apply to any functions under these Regulations for which the Department is the competent authority.

Powers

49.—(1) The Department may at any time require a competent authority to provide information in relation to its functions under these Regulations.

(2) A request for information pursuant to paragraph (1)—

- (a) shall be made in writing;
- (b) shall specify the format in which information shall be provided; and
- (c) shall specify the period of time within which a response shall be received.

(3) If an authority receives a request pursuant to paragraph (1) it shall respond—

- (a) within the time period specified pursuant to paragraph (2)(c); or
- (b) if no such period is specified, within fourteen days of receipt of the request.

(4) Paragraph (5) applies where—

- (a) the Department has consulted the competent authority; and
- (b) it considers that by reason of any act or omission, or any likely act or omission, by the competent authority—
 - (i) a requirement of these Regulations; or
 - (ii) a requirement imposed on the United Kingdom by the Directive;is unlikely to be met.

(5) The Department may exercise such of the functions of the competent authority, as it considers appropriate.

Recovery of expenses

50.—(1) Where the Department incurs expenses pursuant to—

- (a) regulation 46(2);
- (b) regulation 46(4);
- (c) regulation 47(4); or

(d) regulation 49(5);

it may recover those expenses from the relevant competent authority as a civil debt.

(2) In this regulation “relevant competent authority” means—

- (a) in relation to regulation 46(2) and 46(4), the competent authority that submitted the strategic noise map pursuant to regulation 8, 11, 14 or 19;
- (b) in relation to regulations 47(4), the competent authority that submitted the action plan pursuant to regulation 27(1)(b), 27(2)(b), 27(5), 28(1)(b), 28(2)(b), 28(5), 31(1)(b), 31(2)(b), 31(5), 32(1)(b), 32(2)(b), 32(5), 35(1)(b), 35(4), 36(1)(b), 36(2)(b), 36(5); or
- (c) in relation to regulation 49(5), the competent authority whose functions the Department exercises pursuant to that regulation.