

2015 No. 231

ENVIRONMENTAL PROTECTION

**The Environmental Liability (Prevention and Remediation)
(Amendment) Regulations (Northern Ireland) 2015**

Made - - - - - *24th April 2015*

Coming into operation - *19th July 2015*

The Department of the Environment, being designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to the environment, acting in exercise of the powers conferred upon it by that section, makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Liability (Prevention and Remediation) (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 19th July 2015.

(2) The Interpretation Act (Northern Ireland) 1954(b) applies to these Regulations as it applies to an Act of the Assembly.

Amendment of the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009

2.—(1) The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009(c) are amended in accordance with paragraphs (2) to (5)—

(2) In regulation 2 insert in the appropriate alphabetical order—

““baseline” means the low-water line along the coast as defined in the Territorial Seas (Baseline) Order 2014(d)”

(3) After regulation 2A insert—

“Application

2B. These Regulations apply to the areas specified in the following table—

Table 1

<i>Type of damage</i>	<i>Area in which these Regulations apply</i>
Damage to surface water or groundwater	Northern Ireland in so far as it extends to all

(a) 1972 c.68
(b) 1954 c.33 (N.I.)
(c) S.R.2009 No.252
(d) S.I.2014 No.1353

	water up to one nautical mile seaward from the baseline in Northern Ireland.
Damage to marine waters	All water up to 12 nautical miles seaward from the baseline in Northern Ireland so far as not already addressed as damage to surface or groundwater.
Damage in an Area of Special Scientific Interest	Northern Ireland
Damage to a protected species or natural habitats	Northern Ireland The seabed out to 12 nautical miles
Damage to land	Northern Ireland”

(4) For regulation 3(1) substitute—

“3.—(1) Subject to regulations 5, 6 and 7, these Regulations apply to environmental damage to—

- (a) Protected species or natural habitats, or an area of special scientific interest;
- (b) Surface water or groundwater;
- (c) Marine waters; or
- (d) Land.”

(5) After regulation 3(4) insert—

“(4A) Environmental damage to marine waters means damage to marine waters classified as such pursuant to Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy, such that their environmental status is significantly adversely affected in accordance with Directive 2008/56/EC of the European Parliament and of the Council.”

Sealed with the Official Seal of the Department of the Environment on 24th April 2015



Wesley Shannon
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009 (the 2009 Regulations) which implemented Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage (the Environmental Liability Directive).

They amend the 2009 Regulations to implement the changes to the Environmental Liability Directive introduced by Article 38 of Directive 2013/30/EU of the European Parliament and of the Council on the safety of offshore oil and gas operations and amending Directive 2004/56/EC. Article 38 of Directive 2013/30/EU extends the definition of ‘environmental damage’ to include damage to the environmental status of marine waters as defined in Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy, such that that status is significantly adversely affected.

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