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STATUTORY INSTRUMENTS

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**2019 No. 584**

**The Environment (Miscellaneous Amendments)  
(Northern Ireland) (EU Exit) Regulations 2019**

**PART 3**

Amendment of subordinate legislation

**Amendment of the Environmental Noise Regulations (Northern Ireland) 2006**

**29.** The Environmental Noise Regulations (Northern Ireland) 2006 <sup>M1</sup> are amended as follows.

**Commencement Information**

**I1** Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Marginal Citations**

**M1** S.R. [2006 No. 387](#) as relevantly amended by S.R. [2018 No. 190](#)

**30.** In regulation 2—

(a) after paragraph (2) insert—

“(2A) For the purpose of these Regulations, a reference to the Directive is to be read as if any reference in that Directive to a member state or competent authority in a provision imposing an obligation on or providing a discretion to a member state or competent authority is to the Northern Ireland department which, immediately before exit day was responsible for compliance with that obligation or exercise of that discretion in Northern Ireland”.

**Commencement Information**

**I2** Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**31.** In paragraph (4), for “as amended from time to time” substitute “ as it had effect immediately before exit day ”.

**Commencement Information**

- I3** Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**32.** In regulation 4, at the end insert—

“(6) For the purposes of paragraph (2)(a), a reference to Annex 1 to the Directive is to be read as if, in paragraph (1) of the Directive, in the second subparagraph, in the first indent, the words from “The Member” to the end were omitted”.

**Commencement Information**

- I4** Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**33.** In regulation 45—

- (a) in paragraph (2)(b), for the words “the Directive” substitute “ relevant EU-derived domestic legislation <sup>M2</sup>”;
- (b) in paragraph (3), for “Article 4 of the Directive” substitute “ the relevant EU-derived domestic legislation ”.

**Commencement Information**

- I5** Reg. 33 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Marginal Citations**

- M2** Relevant EU-derived domestic legislation includes: The Environmental Noise Regulations (Northern Ireland) 2006 (S.R. [2006 No. 387](#)), The Environmental Noise (England) Regulations 2006 (S.I. [2006/2238](#), as amended by S.I. [2009/1610](#), S.I. [2010/340](#) and S.I. [2015/377](#)), The Environmental Noise (Wales) Regulations 2006 (S.I. [2006/2629](#), (W, 225), as amended by S.I. [2009/47 W,15](#)) and [The Environmental Noise \(Scotland\) Regulations 2006 \(S.I. 2006/465\)](#)

**34.** In regulation 49, omit paragraph (4)(b)(ii) and the preceding “or”.

**Commencement Information**

- I6** Reg. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**35.** In Schedule 1—

- (a) in paragraph 1—
- (i) the existing text is renumbered as sub-paragraph (1);
- (ii) at the end insert—

“(2) For the purposes of sub-paragraph (1), the reference to paragraphs 1.5, 1.6 and 2.6 of Annex VI to the Directive is to be read with the following modifications—

- (a) in paragraphs 1.5 and 1.6, as if the reference in those paragraphs to “major roads”, “major railways” and “major airports” as defined in Article 3 of the Directive were to “major road”, “major railway” and “major airport” as defined in regulation 2(3) of these Regulations;
- (b) in paragraphs 1.6 and 2.6, as if the words from “These data” to the end were omitted.”;
- (b) in paragraph 2, at the end insert—
  - “(3) for the purpose of paragraph (1)(a), a reference to Annex IV of the Directive is to be read as if the following were omitted—
  - (a) in paragraph 4, the first indent;
  - (b) in paragraph 5, the words from “concerning” to “Commission”;
  - (c) paragraph 9.”.

**Commencement Information**

**I7** Reg. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

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

**36.** The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009<sup>M3</sup> are amended as follows.

**Commencement Information**

**I8** Reg. 36 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Marginal Citations**

**M3** S.R. [2009 No. 252](#) as relevantly amended by S.R. [2009 No. 361](#), S.R. [2015 No.231](#)

**37.** In regulation 2(2) after the definition of “operator” insert—

““river basin management plan” has the same meaning as in the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017<sup>M4</sup>.”

**Commencement Information**

**I9** Reg. 37 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Marginal Citations**

**M4** S.R. [2017 No. 81](#)

<sup>F1</sup>38. ....

**Textual Amendments**

**F1** Reg. 38 omitted (31.7.2019) by virtue of [The Agriculture, Environment and Rural Affairs \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1101\)](#), regs. 1(2)(a), 6

39. For regulation 2A substitute—

“**2A.** References in Schedule 2 or 3 to EU instruments are to those instruments as they had effect immediately before exit day”.

**Commencement Information**

**I10** Reg. 39 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

40. In regulation 3(4A), omit from “in accordance” to the end.

**Commencement Information**

**I11** Reg. 40 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

41. In regulation 7(1)(b), omit “pursuant to Directive [2000/60/EC](#)”.

**Commencement Information**

**I12** Reg. 41 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

42. In regulation 7(1)(c), omit “pursuant to that Directive”.

**Commencement Information**

**I13** Reg. 42 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

43. In regulation 7(2)(b), omit “required under Article 13 of Directive [2000/60/EC](#)”.

**Commencement Information**

**I14** Reg. 43 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**44.** In Schedule 1 in paragraph 1(e), for “or Community-wide” substitute “, national or in their natural range”.

**Commencement Information**

**I15** Reg. 44 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**45.** In Schedule 2—

- (a) in paragraph 9, after “the Community” insert “ or, after exit day, into or out of the United Kingdom ”;
- (b) after paragraph 10 insert—

**“Interpretation**

**11.** A reference in this Schedule to an activity being authorised, prohibited or managed pursuant to, or subject to a permit or registration under, an EU Directive includes, after exit day, any activity authorised, prohibited or managed pursuant to, or subject to a permit or registration under, any retained EU obligations which transposed that Directive.”.

**Commencement Information**

**I16** Reg. 45 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Changes to legislation:**

There are currently no known outstanding effects for the The Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019, PART 3.