
STATUTORY INSTRUMENTS

2006 No. 2238

The Environmental Noise (England) Regulations 2006

PART 7

POWERS OF THE SECRETARY OF STATE IN RELATION TO
THE FUNCTIONS OF OTHER COMPETENT AUTHORITIES

Application

25. This Part does not apply to any functions under these Regulations for which the Secretary of State is the competent authority.

Powers

26.—(1) The Secretary of State 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) must be made in writing;
- (b) may specify the format in which information must be provided; and
- (c) may specify the period of time within which a response must be received.

(3) If an authority receives a request pursuant to paragraph (1) it must 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 Secretary of State has consulted the competent authority; and
- (b) he 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 Secretary of State may exercise such of the functions of the competent authority as he considers appropriate.

Recovery of expenses

27. Where the Secretary of State incurs expenses pursuant to—

- (a) regulation 23(2);
- (b) regulation 24(3); or
- (c) regulation 26(5),

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

Relevant competent authority

- 28.** In regulation 27 “relevant competent authority” means—
- (a) in relation to regulation 23(2), the competent authority that submitted the strategic noise map pursuant to regulation 11 or 12;
 - (b) in relation to regulation 24(3), the competent authority that submitted the action plan pursuant to regulation 19; and
 - (c) in relation to regulation 26(5), the competent authority whose functions the Secretary of State exercises pursuant to that regulation.