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STATUTORY INSTRUMENTS

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**2019 No. 1285**

**ENVIRONMENTAL PROTECTION, ENGLAND**

**The Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2019**

*Made - - - - 26th September 2019*  
*Laid before Parliament 27th September 2019*  
*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>.

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the environment<sup>(2)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2019 and come into force 21 days after the day on which they are laid.

**Amendment of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015**

2. After regulation 18 of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015<sup>(3)</sup>, insert—

**“Reporting by enforcing authorities**

**18A.—**(1) Where an enforcing authority has served a responsible operator with notification under regulation 18(1) after the coming into force of this regulation, the enforcing authority must, as soon as reasonably practicable, notify the Secretary of State of the relevant environmental damage.

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(1) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7). It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day (see section 20 of that Act).  
(2) S.I. 2008/301. It is prospectively revoked by S.I. 2018/1011 from exit day.  
(3) S.I. 2015/810, to which there are amendments not relevant to these Regulations.

(2) The notification provided to the Secretary of State under paragraph (1) must contain the following information—

- (a) the type of environmental damage, according to the categorisations set out in regulation 4(1)(a) to (d),
- (b) the date on which the environmental damage occurred or was discovered, and
- (c) the activity which caused the environmental damage, according to the list set out in Schedule 2, except in cases where regulation 5(2) applies.

(3) The Secretary of State may require an enforcing authority to provide such other information in relation to the environmental damage as the Secretary of State may reasonably request.”

*Rebecca Pow*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

26th September 2019

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 ([S.I. 2015/810](#)). They relate to the implementation of Article 3 of Regulation (EU) 2019/1010 of the European Parliament and of the Council on the alignment of reporting obligations in the field of legislation related to the environment (OJ No. L 170, 25.6.2019, p. 115). This amends Article 18 of, and Annex 6 to, [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 (OJ No. L 143, 30.4.2004, p. 56).

Regulation 2 inserts a new provision which requires enforcing authorities to report certain information relating to cases of environmental damage to the Secretary of State.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.