

ENVIRONMENT (NORTHERN IRELAND) ORDER 2002

S.I. 2002 No. 3153 (N.I. 7)

EXPLANATORY MEMORANDUM

OPTIONS CONSIDERED

28. Initially, three options were considered for transposing the requirements of the ambient air quality assessment and management Directive in Northern Ireland. The first was a “do nothing” option. However this was discounted on the grounds that transposition of Directives into law by Member States is mandatory.
29. The second option considered was to transpose by regulations made under the European Communities Act 1972. While this would be possible solely in respect of transposing the Directive on ambient air quality assessment and management it would not provide a legislative framework to deliver Northern Ireland’s contribution to the targets in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland.
30. The third option considered was to transpose through a combination of primary and subordinate legislation.
31. This option had the advantage of providing for a combined transposition of the EC Directive and the creation of a legislative framework to deliver Northern Ireland’s contribution to the targets in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland. In addition this option had the advantage of enabling the primary legislation to provide powers for other relevant Directives to be transposed by way of regulations without the need for further primary legislation.
32. In view of these advantages, the Department proceeded with the third option.