
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to the provisions in Articles 22.5 and 23.4, first paragraph, of Regulation (EU) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer (OJ No L 286, 31.10.2009), as amended by Commission Regulation (EU) No 744/2010 (OJ No L 218, 19.8.2010, p2) (together “the EU Regulation”).

These Regulations relate to minimum qualifications for those working on the recovery, recycling, reclamation or destruction of controlled substances and the prevention and minimising of leakages of controlled substances. The terms “controlled substances”, “recovery”, “recycling” and “reclamation” are defined in Article 3 of the EU Regulation.

Under regulation 5, it is an offence for a person to carry out relevant work involving controlled substances unless that person is competent to do so. The terms “competent” and “relevant work” are defined in regulations 3 and 4 respectively. Details of the qualifications which a person needs in order to carry out certain types of relevant work are contained in the table in the Schedule.

Regulation 5 also contains provisions making it an offence for an employer to employ a person to carry out relevant work unless that person is competent to do so. Provisions about training are contained in regulation 6.

Provision is made in regulation 7 for the appointment of persons (“authorised persons”) to enforce these Regulations. Provisions setting out the powers of authorised persons are also contained in regulation 7. Details of information notices and enforcement notices, which the enforcing authority can use to help ensure that the Regulations are complied with, are contained in Regulations 8 to 10. Regulations 12 to 14 contain provisions relating to offences and penalties.

Regulation 16 revokes the Ozone Depleting Substances (Qualifications) Regulations (Northern Ireland) 2006 ([S.I. 2006/321](#)).

A full impact assessment of the effects that this instrument will have on the costs of businesses is available from the Department of the Environment, Goodwood House, 44-58 May Street, Belfast BT1 4NN.