

## **EXPLANATORY MEMORANDUM**

### **THE BIOMASS PROCESSING CHALLENGE FUND (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2011**

**2011 No. 9**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Section 2(2) of the European Communities Act 1972 and is subject to negative resolution procedure.
- 1.3. The Statutory Rule is due to come into operation on 14<sup>th</sup> February 2011.

#### **2. Purpose**

- 2.1. This Statutory Rule amends the Biomass Processing Challenge Fund Regulations (Northern Ireland) 2010 by making technical amendments to Regulations 2(1) and 8(1). The Schedule to the Regulations has also been inserted as this was not given effect in the existing Biomass Processing Challenge Fund Regulations (Northern Ireland) 2010.

#### **3. Background**

- 3.1. These Regulations amend the Biomass Processing Challenge Fund Regulations (Northern Ireland) 2010 by revoking the definition “Community legislation” and substituting the definition “EU legislation” where referred. In Regulation 8(1) reference to the “or such a date specified by the European Committee” has been omitted. The Schedule to the Regulations has also been inserted as this was not given effect in the existing Biomass Processing Challenge Fund Regulations (Northern Ireland) 2010.

#### **4. Consultation**

- 4.1. Consultation of the existing regulations took the form of informal bilateral and workshop participation with a wide range of stakeholders through the work of an industry led Agricultural Stakeholder Forum on Renewable Energy. Further engagement took place across government departments and agencies as part of the development of a cross departmental Bio-energy Action Plan.
- 4.2. As these are technical amendments to existing Regulations, no consultation is required

## **5. Equality Impact**

5.1. An initial screening exercise carried out by the Department identified no significant equality impact and therefore it was decided that the Scheme should not be subject to an Equality Impact Assessment. These amendments will have no impact on the equality issues.

## **6. Regulatory Impact**

6.1. A Regulatory Impact Assessment was not necessary as the amendments do not impose any additional costs or savings on agricultural and forestry businesses.

## **7. Financial Implications**

7.1. These Regulations will enable the delivery of the Biomass Processing Challenge Fund. There are no financial burdens imposed by these Regulations.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1. The Rule makes technical amendments to existing legislation and does not discriminate on grounds of religious belief or political opinion nor does it modify the European Communities Act 1972, the Human Rights Act 1998 or other statutory provisions listed in section 7 of the 1998 Act.

## **9. EU Implications**

9.1. No EU implications as the proposed legislation does not transpose a European Directive.

## **10. Parity or Replicatory Measure**

10.1. Not applicable.

## **11. Additional Information**

11.1. Not applicable.