

EXPLANATORY MEMORANDUM TO
The Ship Recycling Facilities (Amendment) Regulations (Northern Ireland)
2018

S.R. 2018 No. 171

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs 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 the negative resolution procedure.

2. Purpose

- 2.1. These Regulations contribute to ensuring that the legal framework relating to ship recycling remains legally operable when the EU withdraws from the EU. This will ensure that ships, when being recycled after reaching the end of their operational lives, do not pose any unnecessary risks to human health, safety and to the environment.
- 2.2. This technical updating ambulatory amendment to The Ship Recycling Facilities Regulations (Northern Ireland) 2015 is required in order to maintain parity with an amendment being processed for the parallel Regulations for Great Britain - The Ship Recycling Facilities Regulations 2015 [S.I. 430].
- 2.3. This maintenance of legislative parity between Great Britain and Northern Ireland is required in order to enable the Department for Transport to proceed with a UK-wide amendment to the regime entitled 'The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2018'.

3. Background

- 3.1. The Ship Recycling Facilities Regulations of 2015 were introduced to implement Articles 13 and 14 of 'The EU Regulation 1257/2013 on ship recycling relating to the authorisation of ship recycling facilities' ('the EU Regulation').
- 3.2. Articles 13 and 14 of the EU Regulation establish environmental and safety requirements for facilities which recycle ships exceeding 500 gross tonnes (with exclusions for certain state and governmental vessels).
- 3.3. This ensured the necessary controls would be in place to protect the environment, the health and safety of the workers and the population in the vicinity of the ship recycling facilities.
- 3.4. Implementing the EU Regulation also ensured that Northern Ireland facilities wishing to undertake recycling activities on ships flying the flag of EU Member States had a means of becoming authorised, and thereby able to compete with other EU and international companies in that market.

4. Consultation

- 4.1. A UK-wide consultation was conducted for the 2015 Regulations, which was open from 10th December 2014 until 21st January 2015.
- 4.2. The Ship Recycling Facilities (Amendment) Regulations (Northern Ireland) 2018, being technical in nature, and making no substantive change to the regime whatsoever, are not subject to the requirement for Consultation.

5. Equality Impact

- 5.1. In accordance with the guidance produced by the Equality Commission for Northern Ireland and in keeping with Regulation 75 of the Northern Ireland Act 1998, the proposals in this Statutory Rule have been screened for equality impact and it is concluded that a full Equality Impact Assessment is not required.
- 5.2. The record of the screening exercise has been placed on record with the DAERA Equality Unit as required.

6. Regulatory Impact

- 6.1. Due to these Regulations being technical in nature, they do not place any direct or indirect additional burdens on businesses, charities, voluntary bodies or the public sector generally.
- 6.2. In accordance with section 1(1) of the Rural Needs Act 2016, the proposals in these Regulations have been subjected to a Rural Needs Impact Assessment ('RNIA'). This RNIA has been placed on record by DAERA's Environmental Policy Division.

7. Financial Implications

- 7.1. There are no financial implications associated with these Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Statutory Rule complies with all of the provisions set out in Section 24, as amended by the European Union (Withdrawal) Act 2018.

9. EU Implications

- 9.1. This current amendment enables the adoption of a UK-wide approach in ensuring that the standards of the EU framework for maintaining safety and environmental protection with regard to the operation and end of life of ships, will continue to apply to UK ships and in UK waters.

10. Parity or Replicatory Measure

- 10.1. Corresponding amendments are being introduced in Great Britain through The Ship Recycling (Requirements in relation to Hazardous Materials on Ships) Regulations 2018.

11. Additional Information

- 11.1. Not applicable.