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STATUTORY INSTRUMENTS

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**2017 No. 1177**

**The Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2017**

**Amendment of regulation 10**

4.—(1) Regulation 10 is amended as follows.

(2) For paragraph (2) substitute—

“(2) If the Environment Agency or the Natural Resources Body for Wales is responsible for granting the permit, these Regulations are to be enforced—

(a) if the damage is to marine waters in the Welsh zone, or to a natural habitat or protected species or a site of special scientific interest in those waters, by the Welsh Ministers;

(b) in any other case, by the Environment Agency.”.

(3) In paragraph (3)—

(a) in the words before sub-paragraph (a), for “the”, in the first place it occurs, substitute “a”;

(b) in sub-paragraph (b)—

(i) for paragraph (iv) substitute—

“(iv) the Secretary of State, if the damage is to marine waters lying beyond 12 nautical miles from the baselines in England, other than any lying in the Welsh zone, or to a natural habitat or protected species or a site of special scientific interest in those waters;”;

(ii) after paragraph (v) insert—

“(vi) the Welsh Ministers, if the damage is to marine waters in the Welsh zone, or to a natural habitat or protected species or a site of special scientific interest, in those waters.”.

(4) After paragraph (3) insert—

“(4) If a local authority in Wales is responsible for granting the permit, these Regulations are to be enforced—

(a) if the damage is to marine waters in the Welsh zone, or to a natural habitat or protected species or a site of special scientific interest in those waters, by the Welsh Ministers;

(b) in any other case, by the Environment Agency.

(5) In this regulation, “local authority in Wales” means a county council or a county borough council in Wales.”.