

SCHEDULE

Regulation 8

New Schedule 2A

“SCHEDULE 2A

Regulation 11(1)

Enforcing authority: activities not requiring a permit or registration under the Environmental Permitting (England and Wales) Regulations 2016

<i>Type of environmental damage (in bold) and (where limited) area of environmental damage</i>	<i>Enforcing authority</i>
Damage to land .	The local authority
Damage to surface water or groundwater .	The Environment Agency
Damage to marine waters out to 12 nautical miles from the baselines in England.	The Marine Management Organisation
Damage to marine waters beyond 12 nautical miles from (a) the baselines in England, or (b) the baselines in Northern Ireland, extending to the outermost reach of the area where the United Kingdom exercises jurisdictional rights.	The Secretary of State
(a) within the Welsh zone; or	(a) if the damage was caused by anything done in the course of, or for the purpose of, a specified marine activity ⁽¹⁾ ; or
(b) within the Scottish zone, or outside the Scottish zone, but nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Scotland is measured than to any point on the baselines in any other part of the United Kingdom.	(b) in relation to the exercise of powers under Part 2 of these Regulations only, if the damage was caused by an activity relating to a matter which is a reserved matter by virtue of— <ul style="list-style-type: none"> (i) in the case of marine waters within the Welsh zone, section E3 in Part 2 of Schedule 7A to the Government of Wales Act 2006 (marine transport)⁽¹⁾; (ii) in any other case, section E3 in Part 2 of Schedule 5 to the Scotland Act 1998 (marine transport)⁽²⁾.
	(2) In a case not falling within paragraph (1) (a) or (b) above— <ul style="list-style-type: none"> (a) where the marine waters are within the Welsh zone, the Welsh Ministers; (b) otherwise, the Scottish Ministers.

(1) For the definition of “specified marine activity”, see regulation 11(2).

(2) For the definition of “sea”, see regulation 11(2).

(1) 2006 c. 32; Schedule 7A was added by section 3 of the Wales Act 2017 (c. 4).

(2) 1998 c. 46.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Type of environmental damage (in bold) and (where limited) area of environmental damage</i>	<i>Enforcing authority</i>
Damage to a protected species or natural habitat or a site of special scientific interest on land.	Natural England
Damage to a protected species or natural habitat or a site of special scientific interest in water, but not in the sea ⁽²⁾ .	The Environment Agency
Damage to a protected species or natural habitat or a site of special scientific interest on any other part of the continental shelf or in the sea up to the limit of the exclusive economic zone.	(1) The Environment Agency, if the damage is due to an activity authorised by the Environment Agency. (2) In any other case, the Secretary of State.”

(1) For the definition of “specified marine activity”, see regulation 11(2).

(2) For the definition of “sea”, see regulation 11(2).