
STATUTORY INSTRUMENTS

2017 No. 1200

The Control of Mercury (Enforcement) Regulations 2017

PART 5

Further provision about enforcement

Authorising imports [^{F1}or movements involving Northern Ireland]

37.—(1) A person (the “applicant”) may make an application to an enforcing authority for authorisation to import mercury or a mixture of mercury listed in Annex I of the Mercury Regulation in accordance with the second subparagraph of Article 4(1) of that Regulation.

(2) An application must—

- (a) be in writing in such form as the enforcing authority may determine (for example in an electronic form);
- (b) contain such information as the enforcing authority may require;
- (c) in respect of an application to the Agency, NRW or SEPA, be accompanied by any charge which it may require pursuant to section 41(1)(k) of the EA 1995;
- (d) in respect of an application to DAERA, be accompanied by any charge which DAERA may require pursuant to paragraph 9C of Schedule 1 to the EO 2002.

(3) After receiving an application the enforcing authority must either—

- (a) grant the authorisation (subject to conditions if appropriate), or
- (b) refuse to grant the authorisation.

(4) If an enforcing authority requires the applicant to give further information before reaching its decision, the enforcing authority may write to the applicant stating that it requires that information before any decision is reached.

(5) If an enforcing authority requests further information under paragraph (4), the duty to determine the application under paragraph (3) does not apply until the authority has received the information.

(6) The enforcing authority must inform the applicant in writing of—

- (a) its decision under paragraph (3), and
- (b) where the decision is to refuse to grant the authorisation, the reasons for the refusal.

[^{F2}(7) This regulation applies to the transport of mercury from Northern Ireland into Great Britain, subject to the modifications in paragraphs (8) and (9).

(8) Paragraph (1) is to be read as if after “enforcing authority” there were inserted “in Great Britain”.

(9) Paragraph (2) is to be read as if—

- (a) in subparagraph (c)—
 - (i) the words from “in respect” to “SEPA” were omitted;

(ii) for “it” there were substituted “the enforcing authority”;

(b) subparagraph (d) were omitted.

(10) This regulation applies to the transport of mercury from Great Britain into Northern Ireland, subject to the modifications in paragraphs (11) to (16).

(11) Paragraph (1) is to be read as if for “an enforcing authority” there were substituted “DAERA”.

(12) Paragraph (2) is to be read as if—

(a) in subparagraph (a) for “the enforcing authority” there were substituted “DAERA”;

(b) in subparagraph (b) for “the enforcing authority” there were substituted “DAERA”;

(c) subparagraph (c) were omitted;

(d) in subparagraph (d) “in respect of an application to DAERA,” were omitted.

(13) Paragraph (3) is to be read as if for “the enforcing authority” there were substituted “DAERA”.

(14) Paragraph (4) is to be read as if—

(a) for “an enforcing authority” there were substituted “DAERA”;

(b) for “the enforcing authority” there were substituted “DAERA”.

(15) Paragraph (5) is to be read as if—

(a) for “an enforcing authority” there were substituted “DAERA”;

(b) for “the authority” there were substituted “DAERA”.

(16) Paragraph (6) is to be read as if for “The enforcing authority” there were substituted “DAERA”.]

Textual Amendments

F1 Words in [reg. 37](#) heading inserted (31.12.2020) by [The Control of Mercury \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1620\)](#), regs. 2(2), **6(2)**

F2 [Reg. 37\(7\)-\(16\)](#) inserted (31.12.2020) by [The Control of Mercury \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1620\)](#), regs. 2(2), **6(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Control of Mercury (Enforcement) Regulations 2017, Section 37.