

STATUTORY INSTRUMENTS

2019 No. 584

**EXITING THE EUROPEAN
UNION, NORTHERN IRELAND
ENVIRONMENTAL PROTECTION,
NORTHERN IRELAND**

The Environment (Miscellaneous Amendments)
(Northern Ireland) (EU Exit) Regulations 2019

Made - - - - 14th March 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations under section 8(1) of and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018 ^{M1}.

In accordance with paragraph 1(1) of Schedule 7 to the Act a draft has been laid before Parliament and approved by each House of Parliament.

Marginal Citations

M1 [2018 c.16](#)

PART 1 **N.I.**

Introductory

Citation, commencement and extent **N.I.**

1. These Regulations may be cited as the Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 and shall come into force on exit day.

Commencement Information

II Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

2. These Regulations extend to Northern Ireland only.

Commencement Information

I2 Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

PART 2 N.I.

Amendment of primary legislation

Amendment of the Genetically Modified Organisms (Northern Ireland) Order 1991 N.I.

3. The Genetically Modified Organisms (Northern Ireland) Order 1991 ^{M2} is amended as follows.

Commencement Information

I3 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M2 [S.I. 1991/1714 \(N.I. 19\)](#)

N.I.

4. In Article 13(2)—
- (a) omit “the Community Treaties or”; and,
 - (b) after “agreement”, insert “ or retained EU law ”.

Commencement Information

I4 Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Amendment of the Industrial Pollution Control (Northern Ireland) Order 1997 N.I.

5. The Industrial Pollution Control (Northern Ireland) Order 1997 ^{M3} is amended as follows.

Commencement Information

I5 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M3 [S.I. 1997/2777 \(N.I. 18\)](#)

N.I.

6. In Article 7(2)(b), for “the Community Treaties” substitute “retained EU obligations”.

Commencement Information

I6 Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

7. In Article 30—

- (a) in the heading for “Community and other” substitute “retained EU obligations and”;
- (b) in paragraph (1)(a), for “Community” substitute “retained EU”; and,
- (c) in paragraph (2)(a), for “Community” substitute “retained EU”.

Commencement Information

I7 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Amendment of the Waste and Contaminated Land (Northern Ireland) Order 1997 **N.I.**

8. The Waste and Contaminated Land (Northern Ireland) Order 1997^{M4} is amended as follows.

Commencement Information

I8 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M4 [S.I. 1997/2778 \(N.I. 19\)](#), as relevantly amended by S.R. [2009 No. 178, 2011 c.5](#)

N.I.

9. In Article 33, for paragraph (2)(a) substitute—

- “(a) which was first supplied in any part of the United Kingdom or any EU member State on or after 18th September 1981; or”.

Commencement Information

I9 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

10. In Article 37—

- (a) in paragraph (1), omit “or under any relevant instrument”;

- (b) in paragraph (2)(b), omit “or any relevant instrument”; and,
- (c) omit paragraph (5).

Commencement Information

- I10** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

11. In Article 38(3)(b), for “under the law of any” substitute “ under the law of any part of the United Kingdom or any EU ”.

Commencement Information

- I11** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

12. In Article 72(12), in the definition of “pollution control statutory provisions”, for “section 2(2) of the European Communities Act 1972” substitute “ retained EU obligations ” in each place.

Commencement Information

- I12** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

13. In Article 77—

- (a) in the heading for “Community” substitute “ retained EU obligations ”;
- (b) in paragraph (1)(a), for “Community obligation” substitute “ retained EU obligation ”; and,
- (c) in paragraph (2)(a), for “Community obligation” substitute “ retained EU obligation ”.

Commencement Information

- I13** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

14. In Schedule 3—

- (a) in Part 1 for paragraph 4(2) substitute—

“(2) The network must be designed so as to enable the United Kingdom as a whole to [F1move towards the aim of becoming] self-sufficient in waste disposal as well as in the recovery of mixed municipal waste collected from private households taking into account

geographical circumstances or the need for specialised installations for certain types of waste.”;

- (b) in Part 2, in paragraph 6(d), for “waste oils, hazardous waste, or waste streams addressed by specific European Union legislation” substitute “ waste oils or hazardous waste ”; and,
- (c) in Part 3, in paragraph 9(b), omit “, taking into account the need to maintain the smooth functioning of the internal market”.

Textual Amendments

- F1** Words in [reg. 14\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Waste and Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1443\)](#), [regs. 1\(2\), 5](#); [2020 c. 1, Sch. 5 para. 1\(1\)](#)

Commencement Information

- I14** [Reg. 14](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of the Producer Responsibility Obligations (Northern Ireland) Order 1998 **N.I.**

15. The Producer Responsibility Obligations (Northern Ireland) Order 1998 ^{M5} is amended as follows.

Commencement Information

- I15** [Reg. 15](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M5** [S.I. 1998/1762 \(N.I. 16\)](#), to which there is an amendment not relevant to these regulations

N.I.

16. In Article 3(3)(a), for “obligations of the United Kingdom under the Community Treaties” substitute “ retained EU obligations ”.

Commencement Information

- I16** [Reg. 16](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

N.I.

17. In Article 4(2)(a)(i), for “obligations of the United Kingdom under the Community Treaties” substitute “ retained EU obligations ”.

Commencement Information

I17 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Amendment to the Environment (Northern Ireland) Order 2002 **N.I.**

18. The Environment (Northern Ireland) Order 2002 ^{M6} is amended as follows.

Commencement Information

I18 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M6 S.I 2002/3153, as relevantly amended by S.R. [2010 No. 92](#), S.R. [2011 No. 127](#), **S.I.** [2011/2911](#), **S.I.** [2012/2788](#), **S.I.** [2017/1200](#)

N.I.

19. Omit Article 9.

Commencement Information

I19 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

20. In Article 10(3)(a), for “the Community Treaties” substitute “retained EU obligations”.

Commencement Information

I20 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

21. In Article 14(5)(a), for “any obligations of the United Kingdom under the Community Treaties” substitute “retained EU obligations”.

Commencement Information

I21 Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

22. In Article 15(1)(b)(i) for “obligations of the United Kingdom under the Community Treaties;” substitute “retained EU obligations;”.

Commencement Information

I22 Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

23. In Article 22—

- (a) in the heading for “Community” substitute “retained EU obligations”;
- (b) in paragraph (1)(a), for “any obligations of the United Kingdom under the Community treaties” substitute “retained EU obligations”.

Commencement Information

I23 Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

24. In Article 26(5), for “obligations of the United Kingdom under the Community Treaties” substitute “retained EU obligations”.

Commencement Information

I24 Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

25. In Schedule 1—

- (a) for paragraph 3(b) substitute—
 - “(b) directions given for the purposes of the implementation of—
 - (i) any retained EU obligations;
 - (ii) any obligations of the United Kingdom under any international agreement to which the United Kingdom is a party;”;
- (b) in paragraph 9B(1), for “the EU ETS Directive” substitute “retained EU obligations”;
- (c) in paragraph 9C, for “Regulation EU 2017/852 of the Council on mercury, and repealing Regulation (EC) No 1102/2008” substitute “retained EU obligations”;
- (d) in paragraph 20—
 - (i) in sub-paragraph (1)(b) substitute—
 - “(b) any provision (not being a provision within any of paragraphs 1 to 19) that might be made by an Act of Parliament in connection with the relevant directives, other than provision—

- (i) imposing or increasing taxation;
 - (ii) taking effect from a date earlier than that of the making of the regulations containing the provision;
 - (iii) conferring any power to legislate by means of orders, rules, regulations or other subordinate instrument, other than rules of procedure for any court or tribunal;
 - (iv) creating any new criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine.”;
- (ii) in sub-paragraph (2)—
- (aa) omit paragraph (c);
 - (bb) for paragraph (d) substitute—
 - “(d) Council Directive [87/217/EEC](#) on the prevention and reduction of environmental pollution by asbestos ^{M7}.”;
 - (cc) after paragraph (d) add—
 - “(e) European Parliament and Council Directive [94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations ^{M8};
 - (f) Council Directive [1999/31/EC](#) on the landfill of waste ^{M9} as last amended by Directive 2011/97/EU ^{M10};
 - (g) Directive [2000/53/EC](#) of the European Parliament and of the Council on end-of life vehicles ^{M11} as last amended by Directive (EU) 2017/2096 ^{M12};
 - (h) Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy ^{M13};
 - (i) Directive [2001/81/EC](#) of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants ^{M14};
 - (j) Directive [2003/35/EC](#) of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage ^{M15};
 - (k) Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries ^{M16};
 - (l) Directive [2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators ^{M17}, as last amended by Directive 2013/56/EU ^{M18};
 - (m) Directive [2006/118/EC](#) of the European Parliament and of the Council (on the protection of groundwater against pollution and deterioration) ^{M19};
 - (n) Directive [2008/98/EC](#) of the European Parliament and of the Council of waste ^{M20}, as last amended by Regulation (EU) 2017/997 ^{M21};

- (o) Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide ^{M22};
 - (p) Directive [2009/126/EC](#) of the European Parliament and of the Council on stage II petrol vapour recovery during refuelling of motor vehicles at service stations ^{M23};
 - (q) Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) ^{M24};
 - (r) Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) ^{M25}, as it had effect immediately before 4th July 2018;
 - (s) Directive 2012/27/EU of the European Parliament and of the Council on Energy efficiency ^{M26};
 - (t) Directive 2013/59/EURATOM laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation ^{M27};
 - (u) Directive 2015/2193/EU of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants ^{M28};
 - (v) any other directive of the Council of the European Community designated by order for the purposes of this paragraph as in force on exit day.”;
- (iii) after sub-paragraph (2), insert—
- “(2A) In sub-paragraph (1)(b)(iii), “power to legislate” does not include any power to—
 - (a) amend or extend a power to legislate conferred other than under this paragraph;
 - (b) give directions as to matters of administration.”.
- (e) In paragraph 26 omit the definition of “the EU ETS Directive”.

Commencement Information

I25 Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M7 OJ No L 85, 28.3.1987, p. 40, as last amended by Decision (EU) 2018/853 (OJ No L 150, 14.6.2018, p. 155)

M8 OJ No L 365, 31.12.1994, p. 24, as last amended by Decision (EU) 2018/853 (OJ No L 150, 14.6.2018, p. 155)

M9 OJ No L 182, 16.7.1999, p. 1

M10 OJ No L 328, 10.12.2011, p. 49

M11 OJ No L 269, 21.10.2000, p. 34

M12 OJ No L 299, 16.11.2017, p. 24

M13 OJ No L 327, 22.12.2000, p. 1, as last amended by Directive 2014/101/EU (OJ No L 311, 31.10.2014, p. 32)

- M14** OJ No L 309, 27.11.2001, p. 22, as last amended by Directive (EU) 2016/2284 (OJ No L 344, 17.12.2016, p. 1)
- M15** OJ No L 156, 25.6.2003, p. 17, as last amended by Directive (EU) 2016/2284 (OJ No L 344, 17.12.2016, p. 1)
- M16** OJ No L 102, 11.4.2006, p. 15, as last amended by Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p. 14)
- M17** OJ No L 266, 26.9.2006, p. 1
- M18** OJ No L 329, 10.12.2013, p. 5
- M19** OJ No L 372, 27.12.2006, p. 19, as last amended by Directive 2014/80/EU (OJ No L 182, 21.6.2014, p. 52)
- M20** OJ No L 312, 22.11.2008, p. 3
- M21** OJ No L 150, 14.6.2017, p. 1
- M22** OJ No L 140, 5.6.2009, p. 114, as last amended by Decision (EU) 2018/853 (OJ No L 150, 14.6.2018, p. 155)
- M23** OJ No L 285, 31.10.2009, p. 36
- M24** OJ No L 334, 17.12.2010, p. 17, as corrected by Corrigendum to Council Directive 2010/75/EU (OJ No L 158, 19.6.2012, p. 25)
- M25** OJ No L 197, 24.7.2012, p. 38
- M26** OJ No L 315, 14.11.2012, p. 1, as last amended by Directive (EU) 2018/844 (OJ No L 156, 19.6.2018, p. 75)
- M27** OJ No L 13, 17.1.2014, p. 1, as corrected by Corrigendum to Council Directive 2013/59/Euratom (OJ No L 72, 17.3.2016, p. 69)
- M28** OJ No L 313, 28.11.2015, p. 1

Amendment of the Environmental Better Regulation Act (Northern Ireland) 2016 **N.I.**

26. The Environmental Better Regulation Act (Northern Ireland) 2016^{M29} is amended as follows.

Commencement Information

- I26** Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Marginal Citations

- M29** 2016 c.13 (N.I.)

N.I.

27. In section 1(1)(b), for “EU obligations of the United Kingdom” substitute “retained EU obligations”.

Commencement Information

- I27** Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

N.I.

28. In Schedule 1 paragraph 3(4)(b), for “any obligations of the United Kingdom under the EU Treaties” substitute “retained EU obligations”.

Commencement Information

I28 Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

PART 3 **N.I.**

Amendment of subordinate legislation

Amendment of the Environmental Noise Regulations (Northern Ireland) 2006 **N.I.**

29. The Environmental Noise Regulations (Northern Ireland) 2006 ^{M30} are amended as follows.

Commencement Information

I29 Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M30 S.R. [2006 No. 387](#) as relevantly amended by S.R. [2018 No. 190](#)

N.I.

30. In regulation 2—

(a) after paragraph (2) insert—

“(2A) For the purpose of these Regulations, a reference to the Directive is to be read as if any reference in that Directive to a member state or competent authority in a provision imposing an obligation on or providing a discretion to a member state or competent authority is to the Northern Ireland department which, immediately before exit day was responsible for compliance with that obligation or exercise of that discretion in Northern Ireland”.

Commencement Information

I30 Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

31. In paragraph (4), for “as amended from time to time” substitute “as it had effect immediately before exit day”.

Commencement Information

I31 Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

32. In regulation 4, at the end insert—

“(6) For the purposes of paragraph (2)(a), a reference to Annex 1 to the Directive is to be read as if, in paragraph (1) of the Directive, in the second subparagraph, in the first indent, the words from “The Member” to the end were omitted”.

Commencement Information

I32 Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

33. In regulation 45—

- (a) in paragraph (2)(b), for the words “the Directive” substitute “ relevant EU-derived domestic legislation ^{M31} ”;
- (b) in paragraph (3), for “Article 4 of the Directive” substitute “ the relevant EU-derived domestic legislation ”.

Commencement Information

I33 Reg. 33 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M31 Relevant EU-derived domestic legislation includes: The Environmental Noise Regulations (Northern Ireland) 2006 (S.R. [2006 No. 387](#)), The Environmental Noise (England) Regulations 2006 (S.I. [2006/2238](#), as amended by S.I. [2009/1610](#), S.I. [2010/340](#) and S.I. [2015/377](#)), The Environmental Noise (Wales) Regulations 2006 (S.I. [2006/2629](#), (W, 225), as amended by S.I. [2009/47 W,15](#)) and [The Environmental Noise \(Scotland\) Regulations 2006 \(S.I. 2006/465\)](#)

N.I.

34. In regulation 49, omit paragraph (4)(b)(ii) and the preceding “or”.

Commencement Information

I34 Reg. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

35. In Schedule 1—

(a) in paragraph 1—

- (i) the existing text is renumbered as sub-paragraph (1);
- (ii) at the end insert—

“(2) For the purposes of sub-paragraph (1), the reference to paragraphs 1.5, 1.6 and 2.6 of Annex VI to the Directive is to be read with the following modifications—

- (a) in paragraphs 1.5 and 1.6, as if the reference in those paragraphs to “major roads”, “major railways” and “major airports” as defined in Article 3 of the Directive were to “major road”, “major railway” and major airport” as defined in regulation 2(3) of these Regulations;
- (b) in paragraphs 1.6 and 2.6, as if the words from “These data” to the end were omitted.”;
- (b) in paragraph 2, at the end insert—
 - “(3) for the purpose of paragraph (1)(a), a reference to Annex IV of the Directive is to be read as if the following were omitted—
 - (a) in paragraph 4, the first indent;
 - (b) in paragraph 5, the words from “concerning” to “Commission”;
 - (c) paragraph 9.”.

Commencement Information

I35 Reg. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Amendment of the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009 **N.I.**

36. The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009 ^{M32} are amended as follows.

Commencement Information

I36 Reg. 36 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M32 S.R. [2009 No. 252](#) as relevantly amended by S.R. [2009 No. 361](#), S.R. [2015 No.231](#)

N.I.

- 37.** In regulation 2(2) after the definition of “operator” insert—
““river basin management plan” has the same meaning as in the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 ^{M33}.”

Commencement Information

I37 Reg. 37 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M33 S.R. [2017 No. 81](#)

N.I.

F238.

Textual Amendments

F2 Reg. 38 omitted (31.7.2019) by virtue of [The Agriculture, Environment and Rural Affairs \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1101\)](#), regs. 1(2)(a), **6**

N.I.

39. For regulation 2A substitute—

“**2A.** References in Schedule 2 or 3 to EU instruments are to those instruments as they had effect immediately before exit day”.

Commencement Information

I38 Reg. 39 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

40. In regulation 3(4A), omit from “in accordance” to the end.

Commencement Information

I39 Reg. 40 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

41. In regulation 7(1)(b), omit “pursuant to Directive [2000/60/EC](#)”.

Commencement Information

I40 Reg. 41 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

42. In regulation 7(1)(c), omit “pursuant to that Directive”.

Commencement Information

I41 Reg. 42 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

N.I.

43. In regulation 7(2)(b), omit “required under Article 13 of Directive 2000/60/EC”.

Commencement Information

I42 Reg. 43 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

N.I.

44. In Schedule 1 in paragraph 1(e), for “or Community-wide” substitute “, national or in their natural range”.

Commencement Information

I43 Reg. 44 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

N.I.

45. In Schedule 2—

- (a) in paragraph 9, after “the Community” insert “ or, after exit day, into or out of the United Kingdom ”;
- (b) after paragraph 10 insert—

“Interpretation

11. A reference in this Schedule to an activity being authorised, prohibited or managed pursuant to, or subject to a permit or registration under, an EU Directive includes, after exit day, any activity authorised, prohibited or managed pursuant to, or subject to a permit or registration under, any retained EU obligations which transposed that Directive.”.

Commencement Information

I44 Reg. 45 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

PART 4 N.I.

Savings

Savings N.I.

46.—(1) The amendments made by regulation 25(a) to paragraph 3(b) of Schedule 1 to the Environment (Northern Ireland) Order 2002 do not affect the validity, on or after exit day, of any direction given under that paragraph which has effect immediately before exit day, and such a direction may be varied (so as to make provision that could be made in a direction given under that relevant paragraph on or after exit day) or revoked.

(2) The power to vary or revoke such a direction is subject to regulations 40 and 41 of the Pollution, Prevention and Control (Industrial Emission) Regulations (Northern Ireland) 2013 ^{M34}.

(3) The amendment made by regulation 22 to Article 15(1)(b)(i) of the Environment (Northern Ireland) Order 2002 does not affect the validity, on or after exit day, of any regulations made under that section which have effect immediately before exit day.

Commencement Information

I45 Reg. 46 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M34 S.R. [2013 No. 160](#) to which there are no relevant amendments

Department for Environment, Food and Rural
Affairs

Thérèse Coffey
Parliamentary Under Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8 of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Part 2 makes amendments to primary legislation concerning the environment.

Part 3 makes amendments to subordinate legislation concerning the environment.

Part 4 makes saving provisions in respect of amendments made to the Environment (Northern Ireland) Order 2002 (S.I. 2002 No.3153 (N.I.7)) in Part 2.

Changes to legislation:

There are currently no known outstanding effects for the The Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019.