
STATUTORY INSTRUMENTS

2020 No. 1620

**The Control of Mercury (Amendment)
(EU Exit) Regulations 2020**

PART 2

Amendments to subordinate legislation

Amendments to the Control of Mercury (Enforcement) Regulations 2017

3. The Control of Mercury (Enforcement) Regulations 2017⁽¹⁾ are amended in accordance with regulations 4 to 9.

Amendment to regulation 6

4.—(1) Regulation 6 is amended as follows.

(2) In the heading, at the end insert—

“: Northern Ireland”.

(3) For “The enforcing authority” substitute “DAERA”.

Amendment to regulation 33

5. In regulation 33(2)—

(a) in the words before subparagraph (a), after “imported” insert “, or transported from Northern Ireland into Great Britain or from Great Britain into Northern Ireland,”;

(b) after subparagraph (f) insert—

“(fa) Article 4(5) (which applies the prohibitions in Article 4(1) to (3) to the transport of mercury etc., except mercury waste, from Northern Ireland into Great Britain, subject to modifications);

(fb) Article 4(9) (which applies the prohibitions in Article 4(1) to (4) to the transport of mercury etc. from Great Britain into Northern Ireland, subject to modifications);”;

(c) after subparagraph (g) insert—

“(ga) Article 5(3) (which applies the prohibition in Article 5(1) and (2) to the transport of mercury-added products from Northern Ireland into Great Britain, and from Great Britain into Northern Ireland, subject to a modification);”.

Amendment to regulation 37

6.—(1) Regulation 37 is amended as follows.

- (2) In the heading after “imports” insert “or movements involving Northern Ireland”.
- (3) After paragraph (6) insert—
 - “(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”.

Amendments to regulation 38

- 7.—(1) Regulation 38 is amended as follows.
- (2) In paragraph (1)—
 - (a) for “The enforcing authority” substitute “DAERA”;
 - (b) after “United Kingdom” insert “in respect of Northern Ireland”.
- (3) Omit paragraph (2).
- (4) In paragraph (3), for “paragraph (1)” substitute “Article 8(3) of the Mercury Regulation”.
- (5) After paragraph (3), insert—

“(4) A notification to the Agency, NRW or SEPA pursuant to Article 8(3) of the Mercury Regulation must be accompanied by any charge which it may require pursuant to section 41(1)(k) of the EA 1995.”.

Amendment to regulation 41

8. For regulation 41(5) substitute—

“(5) A person commits an offence if the person fails to produce a document or record—

- (a) for DAERA, where DAERA is performing a function pursuant to regulation 6, or
- (b) for the Agency, NRW or SEPA, where that body (as the case may be) is performing a function under the Mercury Regulation.”.

Amendments to Schedule 1

9. In Schedule 1, in paragraph 1, in the table—

(a) after the entry relating to Article 4(3) insert—

“Article 4(5)	Applies the prohibitions in Article 4(1) to (3) to the transport of mercury etc., except mercury waste, from Northern Ireland into Great Britain, subject to modifications
Article 4(9)	Applies the prohibitions in Article 4(1) to (4) to the transport of mercury etc. from Great Britain into Northern Ireland, subject to modifications”;

(b) after the entry relating to Article 5(1) insert—

“Article 5(3)	Applies the prohibition in Article 5(1) and (2) to the transport of mercury-added products from Northern Ireland into Great Britain, and from Great Britain into Northern Ireland, subject to a modification”.
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