

2023 No. 336

ENVIRONMENTAL PROTECTION

**The Ozone-Depleting Substances (Grant of Halon Derogations)
Regulations 2023**

<i>Made</i>	- - - -	<i>15th March 2023</i>
<i>Laid before Parliament</i>		<i>16th March 2023</i>
<i>Coming into force</i>		<i>6th April 2023</i>

The Secretary of State, with the consent of the Scottish Ministers^(a) and the Welsh Ministers^(b), makes these Regulations in exercise of the power conferred by Article 13(4) of Regulation (EC) No 1005/2009 of the European Parliament of the Council on substances that deplete the ozone layer (recast)^(c).

In accordance with Article 13(4) of that Regulation, the Secretary of State is satisfied that it is demonstrated that no technically and economically feasible alternative is available.

The Secretary of State has consulted in accordance with Article 25D(9) of that Regulation.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Ozone-Depleting Substances (Grant of Halon Derogations) Regulations 2023 and come into force on 6th April 2023.

(2) These Regulations extend to England and Wales and Scotland.

Interpretation

2. In these Regulations—

“halon 1211” means the substance of that name described in Annex I of the Ozone-Depleting Substances Regulation;

“the Ozone-Depleting Substances Regulation” means Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer (recast);

“relevant applications” means the following applications in the Airseeker Rivet Joint (RJ) RC-135W aircraft—

- (a) the lavatory waste receptacle fixed fire suppression system; and
- (b) portable fire extinguishers for the protection of cabin and crew compartments.

(a) Consent of the Scottish Ministers is required by Article 25A(1) EUR 2009/1005, as amended by S.I. 2019/583.
(b) Consent of the Welsh Ministers is required by Article 25B(1) EUR 2009/1005, as amended by S.I. 2019/583.
(c) EUR 2009/1005, as amended by S.I. 2019/583.

Derogation

3. By way of derogation from existing arrangements for the critical uses of controlled substances in the Ozone-Depleting Substances Regulation, the end dates listed in rows 4.2 and 4.5 of the table in Annex VI of the Ozone-Depleting Substances Regulation do not apply in relation to the use of halon 1211 for the relevant applications.

Richard Benyon
Minister of State

15th March 2023

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for specific derogations from the current arrangements relating to critical uses of a controlled substance, halon 1211, in Regulation (EC) 1005/2009 of the European Parliament and of the Council of 16th September 2009 on substances that deplete the ozone layer (recast) (“the Ozone-Depleting Substances Regulation”). The Ozone-Depleting Substances Regulation forms part of retained EU law. The specific derogations provided for relate to relevant applications in the Airseeker Rivet Joint (RJ) RC-135W aircraft only.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum for this instrument has been published alongside these Regulations at www.legislation.gov.uk.

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