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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1394**

**The Environmental Damage (Prevention and Remediation) (Amendment) (Wales) Regulations 2015**

**Amendments to the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009**

2.—(1) The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 are amended as follows.

(2) In regulation 2(1) (interpretation), in the appropriate place in alphabetical order insert—

““baseline” (“*gwaelodlin*”) means the baselines from which the breadth of the territorial sea is measured for the purposes of the Territorial Sea Act 1987(1);”;

““marine waters” (“*dyfroedd morol*”) means waters classified as marine waters pursuant to Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for Community action in the field of marine environmental policy(2);”.

(3) In regulation 4 (meaning of “environmental damage”)—

(a) in paragraph (1)—

(i) in sub-paragraph (b) omit the second “or”;

(ii) omit sub-paragraph (c) and insert—

“(c) marine waters, or

(d) land;”;

(b) omit paragraph (5) and insert—

“(5) Environmental damage to marine waters means damage to marine waters such that their environmental status is significantly adversely affected.

(6) Environmental damage to land means contamination of land by substances, preparations, organisms or micro-organisms that results in a significant risk of adverse effects on human health.”.

(4) In regulation 6 (areas of application)—

(a) in paragraph (1)—

(i) after the entry in the table “Damage to water” create a new row and in the first column (Type of damage) insert “Damage to marine waters”; and

(ii) in the corresponding entry in the second column (Area in which these Regulations apply) insert—

“All marine waters within any of the following descriptions—

(a) marine waters up to one nautical mile seaward from the baseline in Wales so far as not already addressed as damage to water;

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(1) 1987 c. 49.

(2) OJ No L 164, 25.6.2008, p. 19.

- (b) marine waters from one nautical mile seaward from the baseline in Wales, extending out to 12 nautical miles from the baseline in Wales”; and
- (b) omit paragraph (2).
- (5) After regulation 8(1) (exemptions) insert—
  - “(1A) Paragraph (1) applies in relation to damage to marine waters as if, in subparagraph (a), for “the coming into force of these Regulations” there were substituted “19 July 2015”.”
- (6) In regulation 10 (enforcing authorities under the Environmental Permitting (England and Wales) Regulations 2010)(3) omit paragraph (3)(b)(iii) and insert—
  - “(iii) the Welsh Ministers, if the damage is to marine waters; and
  - (iv) the Natural Resources Body for Wales, if the damage is to natural habitats or protected species or a site of special scientific interest.”
- (7) In regulation 11(1) (enforcing authorities in other cases) after the entry in the table “Damage to water—” create a new row and insert—
  - (a) in the first column of the table (Type of environmental damage) “Damage to marine waters —”;
  - (b) in the corresponding entry in the second column (Area of damage) insert “All marine waters out to 12 nautical miles from the baseline in Wales”; and
  - (c) in the corresponding entry in the third column (Enforcing authority) insert “the Welsh Ministers”.

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(3) S.I. 2010/675; relevant amending instruments are S.I. 2010/676, and 2172; 2011/988, 1043, 2043 and 2933; 2012/630 and 811; 2013/390, 755 and 766, 2014/255 and 517 (W. 60).