
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under sections 92 and 219(2) of the Water Resources Act 1991 (c. 57) and section 62 of the Regulatory Enforcement and Sanctions Act 2008 (c. 13), require a person having custody or control of oil in certain specified cases to comply with certain requirements as to the manner in which the oil is stored and handled. The Regulations apply in relation to Wales.

The Regulations also replace provision currently made in relation to agricultural fuel oil by the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 (S.I. 2010/1493).

Regulation 1 makes provision (among other things) about commencement. The Regulations come into force on 15 March 2016, except for cases where a container is already in use on that date. In those cases later dates are specified in regulation 1.

Regulation 2 defines terms used in the Regulations and Regulation 3 makes provision about the scope of the Regulations.

Regulation 4 sets out requirements in relation to oil storage containers and regulation 5 sets out requirements in relation to secondary containment systems.

Regulation 6 sets out requirements in relation to fixed tanks and regulation 7 sets out requirements in relation to underground pipes associated with fixed tanks. Regulation 8 sets out requirements in relation to mobile bowsers.

Regulation 9 creates a criminal offence of failure to comply with any requirement in regulations 4 to 8 and regulation 10 permits the Natural Resources Body for Wales, as regulator, to impose civil sanctions in relation to that offence.

Regulation 11 provides that Natural Resources Wales may enforce these Regulations.

Regulation 12 amends the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 by removing requirements as to agricultural fuel oil from those Regulations. Those Regulations are accordingly renamed (see regulation 12(2)).

A draft of these Regulations has been notified to the European Commission as a technical standard, pursuant to Directive 98/34/EC of the European Parliament and of the Council (OJ No L204, 21.7.98, p 37) laying down a procedure for the provision of information in the field of technical standards and regulations, as amended.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.