STATUTORY INSTRUMENTS

2015 No. 446

ENVIRONMENTAL PROTECTION
LICENSING (MARINE)
MARINE MANAGEMENT

The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2015

Made - - - -	*27th February 2015*
Laid before Parliament	*4th March 2015*
Coming into force - -	*27th March 2015*

[[F1]The Secretary of State is designated(**1**) for the purpose of making Regulations under section 2(2) of the European Communities Act 1972(**2**) in relation to the environment.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of that Act.**]**

Annotations:

F1 Regulations revoked (S.) (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/115), regs. 1(1), **42(c)** (with regs. 1(2), 40, 41)

Title and commencement

1. These Regulations may be cited as the Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2015 and come into force on 27th March 2015.

Amendments to the Marine Works (Environmental Impact Assessment) Regulations 2007

2. The Marine Works (Environmental Impact Assessment) Regulations 2007(**3**) are amended in accordance with regulations 3 to 7.

(**1**) S.I. 2008/301.
(**2**) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(**3**) S.I. 2007/1518, amended by S.I. 2011/735; there are other amending instruments but none is relevant.

Amendment to regulation 2

3. In regulation 2(**4**) (interpretation), in paragraph (1)—

(a) in paragraph (a) of the definition of "appropriate authority", after "the Marine Management Organisation", insert ", the Natural Resources Body for Wales";

(b) for the definition of "the EIA Directive", substitute—

> ""the EIA Directive" means Directive 2011/92/EU of the European Parliament and of the Council of 13th December 2011 on the assessment of the effects of certain public and private projects on the environment, as adopted(**5**);".

Amendment to regulation 3

4. In regulation 3 (fees), in paragraph (4)(d), after "where the appropriate authority is the Welsh Ministers", insert "or the Natural Resources Body for Wales".

Amendment to regulation 10

5. In regulation 10 (exceptions)—

(a) in paragraph (1)(a)(i), for "Article 2(3)", substitute "Article 2(4)";

(b) in paragraph (3), for "Article 2(3)", substitute "Article 2(4)".

Amendment to regulation 10A

6. For regulation 10A (further provisions in relation to Article 2(3) of the EIA Directive), substitute—

"**Further provisions in relation to Article 2(4) of the EIA Directive**

10A.—(1) The Marine Management Organisation may not make a determination under regulation 10(1)(a)(i) unless the Secretary of State has given a direction under paragraph (2).

(2) The Secretary of State may direct that an environmental impact assessment is not required in relation to any regulated activity that is to be carried out in the course of an Annex I project or an Annex II project, if the Secretary of State is satisfied that—

(a) the Marine Management Organisation is the appropriate authority having the function of determining whether an environmental impact assessment is required in relation to the regulated activity;

(b) a direction that an environmental impact assessment is not required for the regulated activity can be justified in accordance with Article 2(4) of the EIA Directive (exemption for exceptional cases); and

(c) the regulated activity would not be likely to have significant effects on the environment of another EEA State.

(3) As soon as practicable after making any such direction, the Secretary of State must send a copy of the direction to—

(a) the Marine Management Organisation;

(**4**) See also the definitions in regulation 2(1) of "regulator" and "regulatory approval".

(**5**) OJ No. L 26, 28.1.2012, p.1. This Directive is amended by Directive 2014/52/EU of the European Parliament and of the Council of 16th April 2014 (OJ No. L124, 25.4.2014, p.1), which is required to be transposed by 16th May 2017, but (pending such transposition, and by virtue of the exclusion of section 20A of the Interpretation Act 1978 (c.30)), the definition of "the EIA Directive" is to be construed without reference to the amending Directive.