STATUTORY RULES OF NORTHERN IRELAND

2015 No. 229

ENVIRONMENTAL PROTECTION

The Ship Recycling Facilities Regulations (Northern Ireland) 2015

Made - - - -	*22 April 2015*
Coming into operation	*18 May 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972 [F1] and by Article 6(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997 [F2].

The Department has been designated [F3] for the purposes of section 2(2) of the European Communities Act 1972 in respect of measures relating to the prevention, reduction and elimination of pollution caused by waste and in relation to the environment.

F1 1972 c. 68

F2 S.I. 1997/2778 (N.I. 19); relevant amending Regulations and Orders are S.R. 2003 No. 46, S.R. 2004 No. 277, S.R. 2005 No.300, S.R. 2006 No. 280, **S.I**. 2006/3336 (N.I. 21), S.I. 2007/611 (N.I. 3) and S.R. 2011 No. 127

F3 S.I.1992/2870 and S.I. 2008/301

Citation and commencement

1. These Regulations may be cited as the Ship Recycling Facilities Regulations (Northern Ireland) 2015 and shall come into operation on 18 May 2015.

Interpretation

2.—(1) In these Regulations—

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978 [F4];

"the EU Ship Recycling Regulation" means Regulation (EU) No. 1257/2013 of the European Parliament and of the Council on ship recycling [F5];

"the Department" means the Department of the Environment;

"the Executive" means the Health and Safety Executive for Northern Ireland established under Article 12 (Establishment of the Executive) of the 1978 Order;

"the European List" means the list of ship recycling facilities established **[**F6and as amended from time to time**]** under Article 16 (Establishment and updating of the European List) of the EU Ship Recycling Regulation;

"health and safety regulations" means regulations made under Article 17 (Health and safety regulations) of the 1978 Order;

"permit" means a waste management licence granted under Article 6 (Waste management licences: general) of the Waste and Contaminated Land (Northern Ireland) Order 1997 or a permit granted under regulation 10 (Permits: general provisions) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 F7;

"suspension notice" means a notice suspending a licence under Article 12 (Revocation and suspension of licences) or 16 (Supervision of licensed activities) of the Waste and Contaminated Land (Northern Ireland) Order 1997 or a notice stating that a permit ceases to have effect under regulation 28 (Suspension notices) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.

[F8"United Kingdom List" means the list of ship recycling facilities published by the Secretary of State under Article 16 of the EU Ship Recycling Regulation;

"United Kingdom ship" means a ship registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995.**]**

(2) Terms which are used in these Regulations that are used in the EU Ship Recycling Regulation have the meaning they bear in that Regulation.

(3) The Interpretation Act (Northern Ireland) 1954 F9 shall apply to these Regulations as it applies to an Act of the Assembly.

F4 S.I.1978/1039 (N.I. 9); relevant amending Order is S.I. 1998/2795 (N.I. 18)
F5 O.J. No. L330, 10.12.2013, p.1
F6 Words in reg. 2 inserted (29.10.2018) by The Ship Recycling Facilities (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/171), regs. 1, **2**
F7 S.R. 2013 No. 160 to which there are amendments not relevant to these Regulations
F8 Words in reg. 2(1) inserted (31.12.2020) by The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/277), regs. 1, **4(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
F9 1954 c.33 (N.I.)

Designation of competent authority

3. The Department and the Executive acting jointly are designated as the competent authority in Northern Ireland for the purposes of Article 3(11) of the EU Ship Recycling Regulation.

Authorisation of ship recycling facilities

4.—(1) The Department's functions in relation to a permit for a ship recycling facility include ensuring compliance with Articles 13 **[**F10to 15**]** of the EU Ship Recycling Regulation, but the Department must only exercise any such functions relating to health and safety with the consent of the Executive.

(2) A condition relating to health and safety to ensure compliance with Articles 13 **[**F11to 15**]** of the EU Ship Recycling Regulation may be imposed in a permit for a ship recycling facility.

(3) A power to serve a suspension notice in relation to a permit for a ship recycling facility includes the power to serve a notice where the competent authority considers that the operation of the ship recycling facility involves a serious risk to health and safety.

F10 Words in reg. 4(1) substituted (31.12.2020) by The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/277), regs. 1, **4(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F11 Words in reg. 4(2) substituted (31.12.2020) by The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/277), regs. 1, **4(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Application of the 1978 Order

5. Any function of the Executive under any provision of the 1978 Order in respect of health and safety regulations is exercisable as if Articles 13 **[**[F12]to 15**]** of the EU Ship Recycling Regulation were health and safety regulations for the purposes of that Order.

F12 Words in reg. 5 substituted (31.12.2020) by The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/277), regs. 1, **4(4)**; 2020 c. 1, Sch. 5 para. 1(1)

[[F13]Facilities at which ships may be recycled

6.—(1) A ship recycling facility in Northern Ireland must not accept any ship flying the flag of a Member State within the scope of the EU Ship Recycling Regulation for ship recycling unless the ship recycling facility is included on the European List.

(2) A ship recycling facility in Northern Ireland must not accept any United Kingdom ship within the scope of the EU Ship Recycling Regulation for ship recycling unless the ship recycling facility is included on the United Kingdom List.

(3) A failure to comply with paragraph (1) or (2) has the same effect as failure to comply with a condition of a permit.

F13 Regs. 6, 6A substituted for reg. 6 (31.12.2020) by S.I. 2019/277, reg. 4(5) (as substituted by The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1429), regs. 1, **3(b)**)

Obligations of the competent authority and the Secretary of State

6A.—(1) In respect of a ship recycling facility in Northern Ireland, the competent authority must inform the Secretary of State without delay of—

(a) the permitting of a ship recycling facility for inclusion on the European List;

(b) the suspension or withdrawal of a permit of a ship recycling facility that is included on the European List.

(2) The Secretary of State must carry out the functions of the Member State referred to in Article 14(2) of the EU Ship Recycling Regulation, and must inform the European Commission in accordance with Article 14(3) and 14(4) of that Regulation.**]**

F13 Regs. 6, 6A substituted for reg. 6 (31.12.2020) by S.I. 2019/277, reg. 4(5) (as substituted by The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1429), regs. 1, **3(b)**)