STATUTORY RULES OF NORTHERN IRELAND

2010 No. 92

ENVIRONMENTAL PROTECTION

The Environment (Northern Ireland) Order 2002 (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*10th March 2010*
Coming into operation	*12th April 2010*

The Department of the Environment is a department 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 Department, in exercise of the powers conferred on it by that section, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environment (Northern Ireland) Order 2002 (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 1st April 2010.

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

Amendment to the Environment (Northern Ireland) Order 2002

2.—(1) The Environment (Northern Ireland) Order 2002(**4**) shall be amended in accordance with paragraph (2).

(2) In Schedule 1—

(a) After paragraph 9 insert—

> "**9A.** Without prejudice to paragraph 9, authorising the Department to make schemes for the charging by enforcing authorities of fees or other charges, as respects permits ("greenhouse gas emissions permits") granted under the Greenhouse Gas Emissions Trading Scheme Regulations 2005(**5**) ("the 2005 regulations") for—

(**1**) S.I. 2008/301
(**2**) 1972 c.68
(**3**) 1954 c.33 (N.I.)
(**4**) 2002 No. 3153 (N.I. 7)
(**5**) S.I. 2005/925

(a) an application for the allocation of allowances to an operator;

(b) an application for the retention of allowances by an operator ceasing to carry on an activity to which they relate;

(c) the revocation of a greenhouse gas emissions permit;

(d) the subsistence of an account required to be held in the trading scheme registry by an operator ("operator registry charges")."

(b) In paragraph 24, after "paragraph 9" insert ", 9A".

(c) After paragraph 24 insert—

"**24A.** The regulations may require any scheme as is mentioned in paragraph 9A to include provision which gives effect to any proposal of the Environment Agency to prescribe operator registry charges and for any such charges to be paid to that Agency."

(d) In paragraph 26,

(i) at the appropriate alphabetical place, insert—

""allowance" and "operator" have the same meaning as in the 2005 regulations;" and

""Environment Agency" means the Agency constituted under the Environment Act 1995(**6**);"

(ii) after "under that Article", for "." substitute ":"; and

(iii) at the appropriate alphabetical place insert—

""trading scheme registry" means the registry established under the 2005 regulations.".

Amendment to Regulation 18 of the Greenhouse Gas Emissions Trading Scheme Regulations 2005

3.—(1) Regulation 18 (Fees and charges) of the Greenhouse Gas Emissions Trading Scheme Regulations 2005 is amended as follows.

(2) In paragraph (3) delete "or" at the end of sub-paragraph (a) and insert—

"(aa) in respect of installations (other that offshore installations) situated in Northern Ireland, under Regulations made under Article 4 of the Environment (Northern Ireland) Order 2002; or".

(3) In paragraph (4) after "1995 Act" insert, "or under Regulations made pursuant to Article 4 of the Environment (Northern Ireland) Order 2002,".

(**6**) 1995 c.25