STATUTORY RULES OF NORTHERN IRELAND

# 2018 No. 206

# ENVIRONMENTAL PROTECTION

## The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018

*Made - - - - 10th December 2018*

*Coming into operation 17th January 2019*

The Department of Agriculture, Environment and Rural Affairs, being a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the environment, makes these Regulations in exercise of the powers conferred by section 2(2) of that Act.

### Citation, commencement and application

**1.**—(1) These Regulations may be cited as the Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 and come into operation on 17th January 2019.

(2) These Regulations apply to Northern Ireland only in so far as they do not deal with import and export controls and trade with any place outside the United Kingdom, within the meaning of paragraph 20 of Schedule 3 to the Northern Ireland Act 1998(**3**).

### Amendment of the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015

**2.** The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015(**4**) are amended in accordance with regulations 3 to 23.

### Amendment of regulation 1 (citation, commencement and application)

**3.** In regulation 1(2), the words "and Northern Ireland offshore installations" are omitted.

### Amendment of regulation 2 (interpretation: general)

**4.**—(1) In regulation 2(1)—

(**1**) S.I. 2008/301

(**2**) 1972 c. 68. Section 2(2) is amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(**3**) 1998 c. 47.

(**4**) S.R. 2015 No. 425.

(a) before the definition of "authorised person", insert the following definition—

""the Interpretation Act" means the Interpretation Act (Northern Ireland) 1954(**5**);"; and

(b) for "Department of the Environment" substitute "Department of Agriculture, Environment and Rural Affairs".

(2) For regulation 2(2) substitute—

"(2) The Interpretation Act applies to these Regulations as it applies to an Act of the Assembly.

(3) Section 20A (references to EU instruments) of the Interpretation Act 1978(**6**) applies to these Regulations as it applies to Acts of Parliament.".

**Amendment of regulation 3 (interpretation: EU Regulations)**

**5.**—(1) Regulation 3 is amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

(a) the following definitions are omitted—

(i) "Commission Regulation 1494/2007(**7**)";

(ii) "Commission Regulation 303/2008(**8**)";

(iii) "Commission Regulation 305/2008(**9**)"; and

(iv) "Commission Regulation 308/2008(**10**)";

(b) after the definition of "Commission Regulation 308/2008", omit "and";

(c) in the definition of "Commission Regulation 1191/2014", for ", as amended from time to time.", substitute ";"; and

(d) after the definition of "Commission Regulation 1191/2014", insert—

""Commission Regulation 2015/2065" means Commission Implementing Regulation (EU) 2015/2065 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States(**11**);

"Commission Regulation 2015/2066" means Commission Implementing Regulation (EU) 2015/2066 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated greenhouse gases or recovery of fluorinated greenhouse gases from stationary electrical switchgear(**12**);

"Commission Regulation 2015/2067" means Commission Implementing Regulation (EU) 2015/2067 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons

(**5**) 1954 c. 33 (N.I.)
(**6**) 1978 c. 30
(**7**) OJ No L 150, 20.5.2014, p 195.
(**8**) OJ No L 92, 3.4.2008, p 3.
(**9**) OJ No L 92, 3.4.2008, p 17.
(**10**) OJ No L 92, 3.4.2008, p 28.
(**11**) OJ No L 332, 18.12.2007, p 25.
(**12**) OJ No L 301, 18.11.2015, p 22.

as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases(**13**); and

"Commission Regulation 2015/2068" means Commission Implementing Regulation (EU) 2015/2068 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format of labels for products and equipment containing fluorinated greenhouse gases(**14**).".

(3) For paragraph (2)(b) to (j), substitute—

"(b) Commission Regulation 1497/2007(**15**);

(c) Commission Regulation 1516/2007(**16**);

(d) Commission Regulation 304/2008(**17**);

(e) Commission Regulation 306/2008(**18**);

(f) Commission Regulation 307/2008(**19**);

(g) Commission Regulation 1191/2014(**20**);

(h) Commission Regulation 2015/2065;

(i) Commission Regulation 2015/2066;

(j) Commission Regulation 2015/2067; and

(k) Commission Regulation 2015/2068.".

(4) For paragraph (3), substitute—

"(3) A reference in these Regulations to Commission Regulation 1191/2014 is a reference to that Commission Regulation as amended from time to time.".

**Amendment of regulation 4 (interpretation – offshore installations)**

**6.**—(1) Regulation 4(1) is amended in accordance with paragraphs (2) and (3).

(2) For ", other than a ship,", substitute "(other than a ship)".

(3) After "used", insert ", or intended to be used or has been used,".

**Insertion of new regulation 5A (service of notices)**

**7.** After regulation 5 (competent authority), insert—

"**Service of notices**

**5A.**—(1) Section 24 (service of documents) of the Interpretation Act applies to the service of notices subject to this regulation and any specific provision made in these Regulations for a particular type of notice.

(2) A notice takes effect when served.

(**13**) OJ No L 301, 18.11.2015, p 28.
(**14**) OJ No L 301, 18.11.2015, p 39.
(**15**) OJ No L 333, 19.12.2007, p 4.
(**16**) OJ No L 335, 20.12.2007, p 10.
(**17**) OJ No L 92, 3.4.2008, p 12.
(**18**) OJ No L 92, 3.4.2008, p 21. There is a relevant corrigendum (OJ No L 280, 23.10.2008, p 38).
(**19**) OJ No L 92, 3.4.2008, p 25.
(**20**) OJ No L 318, 5.11.2014, p 5

(3) A notice may, subject to paragraph (8) and without prejudice to the application of section 24(2) of the Interpretation Act, be served on a person by sending it to the person by electronic means.

(4) A notice to a partnership may be given to a partner or a person who has the control or management of the partnership business at the address of the principal office of the partnership.

(5) For the purposes of this regulation, the principal office of a company registered outside the United Kingdom, or of a partnership undertaking business outside the United Kingdom, is its principal office within the United Kingdom.

(6) If a person has specified an address in the United Kingdom, other than the person's address within the meaning of paragraph (4) or section 24 of the Interpretation Act, as the one at which the person or someone on the person's behalf will accept notices of the same description as a notice, that address is also treated for the purposes of this regulation and section 24 of the Interpretation Act as the person's address by which service may be effected.

(7) A notice may be sent to a person by electronic means only if—

(a) the person has indicated that notices of the same description as the notice may be given to the person by being sent to an electronic address and in an electronic form specified for that purpose; and

(b) the notice is sent to that address in that form.

(8) A notice sent to a person by electronic means is, unless the contrary is proved, to be treated as having been given at 9am on the working day immediately following the day on which it was sent.

(9) In this regulation—

(a) "electronic address" means any number or address used for the purposes of sending or receiving documents or information by electronic means; and

(b) "notice" means an information notice served under regulation 22 or an enforcement notice.".

**Substitution of regulation 6 (certification and evaluation bodies: stationary refrigeration, air conditioning and heat pump equipment)**

**8.** For regulation 6, substitute—

"**Appointment of certification, attestation and evaluation bodies**

**6.**—(1) The Department, after consulting the Scottish Ministers, the Welsh Ministers and the Secretary of State, may appoint such person and on such terms as the Department thinks fit to be—

(a) in relation to Commission Regulation 304/2008—

(i) a certification body for the purposes of Article 5 (personnel certificates);

(ii) an evaluation body for the purposes of Article 5; and

(iii) a certification body for the purposes of Article 8 (company certificates);

(b) for the purposes of Commission Regulation 306/2008—

(i) a certification body; and

(ii) an evaluation body;

(c) for the purposes of Commission Regulation 307/2008, an attestation body;

(d) for the purposes of Commission Regulation 2015/2066—