STATUTORY RULES OF NORTHERN IRELAND

1993 No. 45

EUROPEAN COMMUNITIES ENVIRONMENTAL PROTECTION

The Environmental Information Regulations (Northern Ireland) 1993

Made - - - -	*9th February 1993*
Coming into operation	*31st March 1993*

The Department of the Environment, being a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to freedom of access to, and dissemination of, information on the environment held by public authorities or bodies with public responsibilities for the environment and which are under the control of a public authority, in exercise of the powers conferred by that section and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Environmental Information Regulations (Northern Ireland) 1993 and shall come into operation on 31st March 1993.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these regulations—

"information" includes anything contained in any records; and

"records" includes registers, reports and returns, as well as computer records and other records kept otherwise than in a document.

(3) For the purposes of these regulations information relates to the environment if, and only if, it relates to any of the following—

(a) the state of any water or air, the state of any flora or fauna, the state of any soil or the state of any natural site or other land;

(**1**) S.I.1992/1711.
(**2**) 1972 c. 68.
(**3**) 1954 c. 33 (N.I.).

(b) any activities or measures (including activities giving rise to noise or any other nuisance) which adversely affect anything mentioned in sub-paragraph (a) or are likely adversely to affect anything so mentioned;

(c) any activities or administrative or other measures (including any environmental management programmes) which are designed to protect anything so mentioned.

(4) For the purposes of these regulations the following are relevant persons—

(a) all government departments, district councils and other persons carrying out functions of public administration as, for the purposes of or in connection with their functions, have responsibilities in relation to the environment; and

(b) any body with public responsibilities for the environment which does not fall within sub-paragraph (a) and is under the control of a person falling within that sub-paragraph.

Application

3. These regulations apply to any information which—

(a) relates to the environment;

(b) is held by a relevant person in an accessible form and otherwise than for the purposes of any judicial or legislative functions; and

(c) is not (apart from these regulations) either—

(i) information which is required, in accordance with any statutory provision, to be provided on request to every person who makes a request; or

(ii) information contained in records which are required, in accordance with any statutory provision, to be made available for inspection by every person who wishes to inspect them.

Obligation to make environmental information available

4.—(1) Subject to the following provisions of these regulations, a relevant person who holds any information to which these regulations apply shall make that information available to every person who requests it.

(2) It shall be the duty of every relevant person who holds information to which these regulations apply to make such arrangements for giving effect to paragraph (1) as to secure—

(a) that every request made for the purpose of that paragraph is responded to as soon as possible;

(b) that such a request is responded to within two months of the request being made; and

(c) that, where the response to such a request contains a refusal to make information available, the refusal is in writing and specifies the reasons for the refusal.

(3) Arrangements made by a relevant person for giving effect to paragraph (1) may include provision entitling that person to refuse a request for information in cases where a request is manifestly unreasonable or is formulated in too general a manner.

(4) The arrangements made by a relevant person for giving effect to paragraph (1) may—

(a) include provision for the imposition of a charge on any person in respect of the costs reasonably attributable to the supply of information to that person in pursuance of that paragraph; and

(b) make the supply of any information in pursuance of that paragraph conditional on the payment of such a charge.