

2012 No. 230

ENVIRONMENTAL PROTECTION

**The Fluorinated Greenhouse Gases (Amendment) Regulations
(Northern Ireland) 2012**

Made - - - - - *1st June 2012*

Coming into operation - *30th June 2012*

The Department of the Environment is a Department designated (a) for the purposes of section 2(2) of the European Communities Act 1972 (b) in relation to matters relating to the environment.

The Department makes these Regulations in the exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2012, and shall come into operation on 30th June 2012.

Interpretation

2.—(1) In these Regulations, “the Principal Regulations” means the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009(c).

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

Amendment of the Principal Regulations concerning offshore installations

3.—(1) In regulation 2, for paragraph (4), substitute—

“(4) In these Regulations, “offshore installation” means an installation or a structure, other than a ship, which is situated in the marine area, used for carrying on any of the following activities—

- (a) the exploitation, or exploration with a view to exploitation, of mineral resources in the marine area;
- (b) the exploration of any place in the marine area, with a view to the storage of gas;
- (c) the conversion of any place in the marine area for the purpose of storing gas;
- (d) the storage of gas in the marine area or the recovery of gas so stored;

(a) S.I. 2008/301
(b) 1972 c.68
(c) S.R. 2009 No. 184
(d) 1954 c.33 (N.I.)

- (e) the unloading of gas at any place in the marine area;
 - (f) the conveyance of things by means of a pipe, or system of pipes, constructed or placed in the marine area; and
 - (g) the provision of accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, for the carrying on of an activity within any of the sub-paragraphs (a) to (f) above.”
- (2) After regulation 2(9), add—
- “(10) In these Regulations—
- (a) “gas” means—
 - (i) gas within the meaning of section 2(4) of the Energy Act 2008; or
 - (ii) carbon dioxide; and
 - (b) “marine area” means the area (together with the places above and below it) comprising the tidal waters and parts of the sea in or adjacent to Northern Ireland, up to the seaward limits of the territorial sea.
- (11) References to storing gas include storing gas with a view to its permanent disposal.”
- (3) In regulation 2(1), insert the following definition at the appropriate place—
- ““installation” includes an installation within the meaning of section 16 of the Energy Act 2008(a).”

Amendments to the Principal Regulations on certification bodies and attestation bodies

- 4.—(1) Regulation 16 is amended in accordance with paragraphs (2) to (4).
- (2) In the title, delete the words “City and Guilds of London Institute and the Construction Industry Training Board as”.
- (3) In paragraph (1)—
- (a) at the end of sub-paragraph (a), delete the word “and”; and
 - (b) at the end of sub-paragraph (b), add—
- “or
- (c) such other body as the Department may from time to time designate.”
- (4) In paragraph (2), for the words “the City and Guilds of London Institute and the Construction Industry Training Board”, substitute the words “the certification or evaluation body”.
- (5) In regulation 17(9)(b), for the words “City and Guilds of London Institute or by the Construction Industry Training Board”, substitute the words “certification body referred to in regulation 16(1)”.
- (6) Regulation 23 is amended in accordance with paragraphs (7) to (9).
- (7) For the title, substitute the words “The certification and evaluation bodies”.
- (8) For paragraph (1), substitute the following paragraph—
- “(1) The certification and evaluation bodies for the purposes of Article 5 of Commission Regulation 304/2008 (issue and contents of certificates) are—
- (a) the Fire Industry Association**(b)**; or
 - (b) such other body as the Department may from time to time designate.”
- (9) In paragraph (2), for the words “Fire Industry Association”, substitute the words “certification or evaluation body”.

(a) 2008 c. 32

(b) Details can be obtained from the Fire Industry Association, Kingsway Business Park, Oldfield Road, Hampton, Middlesex, TW12 2HD. Telephone: 020 3166 5002. E-mail: info@fia.uk.com Web-site: <http://www.fia.uk.com/>

(10) In regulation 24(5)(b), for the words “Fire Industry Association”, substitute the words “certification or evaluation body referred to in regulation 23(1)”.

(11) In Regulation 30, after paragraph (2)(f), add—

“; and

(g) such other body as the Department may from time to time designate.”

(12) Regulation 36 is amended in accordance with paragraphs (13) and (14).

(13) In paragraph (2), after sub-paragraph (c), delete the word “and”.

(14) In paragraph (2), after sub-paragraph (d), add—

“; and

(e) such other body as the Department may from time to time designate.”

Amendments to the Principal Regulations concerning prohibition notices

5.—(1) Regulation 2(1)(v) is revoked.

(2) Regulation 44 is amended in accordance with paragraphs 3 to 6.

(3) In the title, the words “and prohibition” are deleted.

(4) Paragraphs (3) and (4) are deleted.

(5) In paragraph (6), the words “or a prohibition notice” are deleted.

(6) In paragraph (7)—

(a) the words “or a prohibition notice” are deleted; and

(b) for “such”, substitute “that”.

(7) Regulation 45 is amended in accordance with paragraphs (8) to (12).

(8) In the title, the words “or prohibition” are deleted.

(9) In paragraph (1), the words “or a prohibition” are deleted.

(10) For paragraph (3), substitute the following paragraph—

“(3) The period within which an appeal may be brought is 28 days from the date upon which the notice was issued.”

(11) In paragraph (4), the words “or prohibition notice” are deleted.

(12) Paragraphs (6) and (7) are deleted.

(13) In regulation 47(b), the words “or a prohibition notice” are deleted.

Amendments to the Principal Regulations on qualifications of individuals relating to certain stationary equipment

6. Regulation 17(3) and Schedule 1 are revoked.

Sealed with the Official Seal of the Department of the Environment on 1st June 2012.



Wesley Shannon
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 3 of these Regulations amends the definition of an “offshore installation” within the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009 (“the Principal Regulations”).

Regulation 4 of these Regulations allows the Department to designate new certification and attestation bodies from time to time.

Regulation 5 of these Regulations revokes all provisions on prohibition notices in the Principal Regulations.

Further information on these Regulations is available from the Environmental Policy Division, Department of the Environment, Goodwood House, 44-58 May Street, Town Parks, Belfast BT1 4NN.

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