

ANNEX SUMMARY OF RELEVANT ENVIRONMENT BILL CLAUSES

Clause and Heading	Effect
Part 2: Environmental Governance: Northern Ireland	
Clause 45 – Improving the natural environment: Northern Ireland	Clause 45 gives effect to Schedule 2.
Clause 46 – The Office for Environmental Protection: Northern Ireland	Clause 46 gives effect to Schedule 3.
Part 3: Waste and Resource Efficiency	
Clause 47 – Producer responsibility obligations	Clause 47 repeals the Producer Responsibility Obligations (Northern Ireland) Order 1998 and gives effect to Schedule 4. Summary at Schedule 4.
Clause 48 – Producer responsibility for disposal costs	Clause 48 gives effect to Schedule 5. Summary at Schedule 5.
Clause 49 – Resource efficiency information	Clause 49 gives effect to Schedule 6. Summary at Schedule 6.
Clause 50 – Resource efficiency requirements	Clause 50 gives effect to Schedule 7. Summary at Schedule 7.
Clause 51 – Deposit schemes	Clause 51 gives effect to Schedule 8. Summary at Schedule 8.
Clause 52 – Charges for single use plastic items	Clause 52 gives effect to Schedule 9. Summary at Schedule 9.
Clause 53 – Charges for carrier bags	Clause 53 amends Schedule 6 of the Climate Change Act 2008 to make provision for regulations made by the Secretary of State in relation to England, and DAERA in relation to Northern Ireland, to require sellers of single use carrier bags to register with an administrator. The regulations may also make provision about applications for registration, the period of registration, the cancellation of registration, and the payment of registration fees, including the amount.
Clause 56 – Electronic waste tracking: Northern Ireland	Clause 56 amends the Waste and Contaminated Land (Northern Ireland) Order 1997 to add new Articles 5G and 5H relating to electronic waste tracking. The powers will enable a DAERA Minister to make provision via regulations for introducing an electronic waste tracking system.

Clause and Heading	Effect
Clause 58 – Hazardous waste: Northern Ireland	Clause 58 amends Article 30 of the Waste and Contaminated Land (Northern Ireland) Order 1997 to update the powers available to DAERA in respect of the regulation of hazardous waste. This includes the incorporation of a power which will enable a DAERA Minister to make provision for the imposition of civil sanctions in respect of contraventions of regulations relating to hazardous waste which can be made under that Article.
Clause 59 – Transfrontier shipments of waste (reserved matter)	Clause 59 amends section 141 of the Environmental Protection Act 1990. Section 141 of that Act contains a power for the Defra Secretary of State to make regulations to prohibit or restrict waste imports and exports. That section is amended to allow regulations to be made to regulate waste imports or exports or the transit of waste for export.
Clause 62 – Waste charging: Northern Ireland	Clause 62 amends the Waste and Contaminated Land (Northern Ireland) Order 1997 and the Waste Management Licensing Regulations (Northern Ireland) 2003 to supplement existing charging powers available to DAERA.
Clause 64 – Enforcement powers: Northern Ireland	Clause 64 amends Article 27 of the Waste and Contaminated Land (Northern Ireland) Order 1997 which makes provision for DAERA to give directions around the acceptance, treatment, disposal or delivery of waste.
Clause 68 – Waste regulation: amendment of Northern Ireland Order	Clause 68 amends Article 2(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997 which relates to interpretation and covers definitions for terms used within that Order.
Part 4: Air Quality and Environmental Recall	
Clause 71 – Environmental recall of motor vehicles etc. (reserved matter)	Clause 71 provides for the Defra Secretary of State to make regulations making provision for the recall of relevant products i.e. certain vehicles and engines – or parts of certain vehicles and engines - that do not meet relevant environmental standards.
Clause 72 – Compulsory recall notices (reserved matter)	Clause 72 provides that regulations made under clause 71 can confer a power on the Defra Secretary of State to issue a “compulsory recall notice” if they have reasonable grounds for believing a product does not meet a relevant environmental standard.

Clause and Heading	Effect
Clause 73 – Further provision about regulations under section 71 (reserved matter)	Clause 73 provides that regulations made under clause 71 may impose a duty on both manufacturers and distributors to notify the Secretary of State if they consider that a relevant product does not meet an environmental standard and that the Secretary of State may in the regulations confer investigative and information gathering powers on themselves or a designated person for the purposes of deciding whether to issue a compulsory recall notice. The regulations may also make provision about enforcement of the regulations, including the imposition of financial penalties, powers of entry to take documents and samples where there are reasonable grounds for suspecting a manufacturer or distributor has failed to comply with a requirement imposed by or under the regulations, and for appeals against the imposition.
Part 5: Water	
Clause 81 – Water Quality: powers of Secretary of State	<p>Clause 81 provides a regulation-making power for the Defra Secretary of State to make provision about the substances to be taken into account in assessing the chemical status of surface water or groundwater, and to specify standards for those substances, or in relation to the chemical status of water bodies. This will enable updates to the substances and standards currently used in that process, for example those set out in the list of priority substances and priority hazardous substances for surface waters in the domestic legislation which implements the Environmental Quality Standards Directive.</p> <p>The Secretary of State can only exercise the powers in this section to make provision that could be made by DAERA under its own powers in clause 83 with its consent.</p>
Clause 83 – Water Quality: powers of Northern Ireland department	Clause 83 confers the same power (as clause 81) on DAERA in relation to Northern Ireland.
Part 8: Miscellaneous and General Provisions	
Clause 125 – Amendment of REACH legislation	Clause 125 gives effect to Schedule 19.
Clause 131 - Commencement	Clause 131 sets out the commencement arrangements for all provisions of the Bill.

Schedules	
Schedule 2 – Improving the natural environment: Northern Ireland	Schedule 2 provides a means by which arrangements for the development and management of environmental improvement plans, and the environmental principles which are currently a basis for policy making across the UK, can be incorporated into Northern Ireland legislation.
Schedule 3 – The Office for Environmental Protection: Northern Ireland	Schedule 3 allows the Office for Environmental Protection (OEP) - established by Part 1 of the Bill - to be extended to Northern Ireland.
Schedule 4 – Producer responsibility obligations: Historic UK-wide systems that will be subject to major reform.	Schedule 4 confers power on the relevant national authority (including DAERA) to make regulations about producer responsibility and its enforcement. Regulations for NI may also be made by the SoS but only with DAERA’s consent.
Schedule 5 – Producer responsibility for disposal costs: This gives powers to make producers of goods responsible for full net costs of collection, treatment and recycling of their goods when they become waste.	Schedule 5 confers power on the relevant national authority (including DAERA) to make regulations about payment of costs for disposal of products and materials. Regulations for NI may also be made by the SoS but only with DAERA’s consent.
Schedule 6 – Resource efficiency information	Schedule 6 enables the relevant national authority, as defined in clause 49(2), to make product-specific regulations setting requirements to provide information about a product’s resource efficiency. The Schedule also gives the relevant national authority power to make regulations containing provision for the enforcement of resource efficiency information requirements. Regulations for NI may also be made by the SoS but only with DAERA’s consent.
Schedule 7 – Resource efficiency requirements	Schedule 7 enables the relevant national authority, as defined in clause 50(2), to make product-specific regulations setting requirements relating to a product’s resource efficiency. The Schedule also gives the relevant national authority powers to make regulations containing provision for the enforcement of resource efficiency requirements. Regulations for NI may also be made by the SoS but only with DAERA’s consent.

<p>Schedule 8 – Deposit schemes</p>	<p>Schedule 8 enables the “relevant national authority” (as defined in clause 51(2)) to make regulations establishing deposit schemes. The Schedule also makes provision for enforcement of requirements imposed by regulations or under a deposit scheme and for offences and penalties.</p> <p>Regulations for NI may also be made by the SoS but only with DAERA’s consent.</p>
<p>Schedule 9 – Charges for single use plastic items</p>	<p>Schedule 9 provides a general power for the “relevant national authority” (as defined in clause 52(2)) to make regulations about charging by sellers of goods or services for single use plastic items. This includes provision in the regulations for enforcement and civil sanctions.</p>
<p>Schedule 19 – Amendment of REACH legislation</p>	<p>Schedule 19 confers powers on the Defra Secretary of State to make regulations to amend two pieces of retained European Union law relating to the regulation of chemicals. The devolved administrations must grant their consent before any such regulations are made and the Secretary of State must consider any request by a relevant devolved authority for the SoS to make regulations under this schedule. There is also an additional power for DAERA and/or DfE to amend the REACH Enforcement Regulations 2008.</p>