



Northern Ireland  
Assembly

Committee for the Environment

# OFFICIAL REPORT (Hansard)

Environmental Better Regulation Bill:  
Formal Clause-by-clause Consideration

12 November 2015

# NORTHERN IRELAND ASSEMBLY

## Committee for the Environment

### Environmental Better Regulation Bill: Formal Clause-by-clause Consideration

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**Members present for all or part of the proceedings:**

Ms Anna Lo (Chairperson)  
Mrs Pam Cameron (Deputy Chairperson)  
Mr William Irwin  
Mr Alban Maginness  
Mr Ian Milne  
Lord Morrow

**Witnesses:**

Mr Dave Foster	Department of the Environment
Mr Robert Gray	Department of the Environment
Mr Simon Webb	Department of the Environment

**The Chairperson (Ms Lo):** I remind members that this formal clause-by-clause consideration will be the last opportunity to discuss the clauses and that any decisions will be final. The Committee Clerk has prepared a table at page 50 of the pack summarising the Committee's informal decisions that members may find useful. Will members indicate, if possible, whether they intend to propose any additional amendments at today's meeting? No, OK.

The Committee will now move to the formal stage of clause-by-clause consideration. I will proceed through the clauses of and schedules to the Bill in order and put the Questions formally to you. Where there is an amendment, I will put the Question on the amendment first. Where no amendments have been proposed and no issues highlighted, I will seek the agreement of the Committee to group clauses when putting the Question, just to save time. Is that OK, members?

*Members indicated assent.*

**Clause 1 (General purpose: protecting and improving the environment)**

**The Chairperson (Ms Lo):** Part 1, "General environmental regulation", covers clauses 1 to 5. The Committee agreed to ask the Department to consider an amendment to clause 1 to elaborate on the purpose of the Bill, to address concerns regarding the vagueness of the Bill and to better define the framework of what will be enforced in the future. The Department agreed to insert a new clause to cover the objectives of the Bill. Therefore, no amendment was proposed to clause 1.

*Question, That the Committee is content with the clause, put and agreed to.*

*Question, That the Committee is content with clause 2, put and agreed to.*

### **Clause 3 (Regulations relating to protecting and improving the environment: consultation)**

**The Chairperson (Ms Lo):** At the Committee's request, the Department agreed to table an amendment to remove the phrase "as it thinks fit". Is the Committee content with the Department's proposed amendment to clause 3?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

### **New Clause**

**The Chairperson (Ms Lo):** The Department agreed to insert clause 3A to address concerns regarding the vagueness of the Bill and to better define the framework of what will be enforced in the future.

*Question, That the Committee is content with the new clause, put and agreed to.*

*Question, That the Committee is content with clause 4, put and agreed to.*

### **Clause 5 (Interpretation)**

**The Chairperson (Ms Lo):** The Department agreed to provide more detailed information in the explanatory notes to explain what is meant by "offence to the senses of human beings" and "ecosystems".

*Question, That the Committee is content with the clause, put and agreed to.*

**The Chairperson (Ms Lo):** Part 2, "Powers of entry and associated powers", covers clauses 6 to 13.

*Question, That the Committee is content with clauses 6 and 7, put and agreed to.*

### **Clause 8 (Rewriting powers of entry)**

**The Chairperson (Ms Lo):** The Department proposes to amend the clause to comply with a technical issue that was raised by the Examiner of Statutory Rules in respect of summary offences and fines. Officials have agreed to include an explanation of this proposed amendment in the explanatory and financial memorandum (EFM). Is the Committee content with the Department's proposed amendment to clause 8 to address the technical issues raised by the Examiner of Statutory Rules regarding summary offences and fines?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

*Question, That the Committee is content with clauses 9 to 11, put and agreed to.*

### **Clause 12 (Code of practice in relation to powers of entry)**

**The Chairperson (Ms Lo):** At the Committee's request, the Department has agreed to amend the clause to allow for further Assembly scrutiny of the code of practice. There are two departmental amendments that will deal with the matter. Is the Committee content with the Department's proposed amendments to clause 12 to provide for Assembly scrutiny of the code of practice?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.*

### **Clause 13 (Interpretation)**

**The Chairperson (Ms Lo):** The Department has agreed to provide additional information in the explanatory notes to define what is meant and included by the term "premises".

*Question, That the Committee is content with the clause, put and agreed to.*

**The Chairperson (Ms Lo):** Part 3, "Amendments to the Clean Air (Northern Ireland) Order 1981", covers clauses 14 and 15.

*Question, That the Committee is content with clauses 14 and 15, put and agreed to.*

**The Chairperson (Ms Lo):** Part 4, "Amendments to the Environment (Northern Ireland) Order 2002", covers clauses 16 and 17.

*Question, That the Committee is content with clauses 16 and 17, put and agreed to.*

**The Chairperson (Ms Lo):** Part 5, "Amendments to the Water and Sewerage Services (Northern Ireland) Order 2006", covers clauses 18 to 22.

*Question, That the Committee is content with clauses 18 to 22, put and agreed to.*

### **New Clause**

**The Chairperson (Ms Lo):** Part 6 is "Miscellaneous and Supplementary". This part covers new clause 22A and clauses 23 to 27. The Committee has not undertaken any scrutiny of the new amendment, amendment No 6, on national security, as its background was only introduced at the Committee meeting on 5 November. The Committee saw the wording of the amendment for the first time only at today's meeting. The Committee earlier considered whether it would wish to simply note the amendment, and members indicated that they would be happy to just note the amendment. Is the Committee content to note the proposed new clause 22A, which enables powers for the Secretary of State to give directions to regulators in certain circumstances?

*Members indicated assent.*

*Question, That the Committee is content with clauses 23 to 27, put and agreed to.*

### **Schedule 1 (Matters for, or in connection with, which regulations may be made under section 2)**

**The Chairperson (Ms Lo):** The Department has agreed to amend schedule 1 to remove paragraph 1 completely. Is the Committee content with the Department's proposed amendment to schedule 1 to remove paragraph 1 relating to powers to further define the phrase "environmental activities"?

*Members indicated assent.*

*Question, That the Committee is content with the schedule, subject to the proposed amendment, put and agreed to.*

*Question, That the Committee is content with schedules 2 and 3, put and agreed to.*

*Question, That the Committee is content with the long title, put and agreed to.*

**The Chairperson (Ms Lo):** Members, we have now concluded the formal clause-by-clause consideration of the Environmental Better Regulation Bill. I thank the officials for their cooperation over the last few days.