

Ciara

Thank you for your letter of 23 October.

As promised please find below our urgent response to the Committee's specific request concerning a further two possible amendments to the Environmental Better Regulation Bill.

Amendment 1.

"Clause 12: An amendment to allow for further Assembly scrutiny of the Code of Practice"

Department's response.

Subject to the necessary approvals, we are proposing to bring forward an amendment to Clause 12 for tabling at Consideration Stage. The amendment is likely to be along the following lines:-

In Clause 12, substitute the following for the existing subsection (3) :

"(3) After the Department has proceeded under subsection (2), it must cause a draft of the code to be laid before the Assembly.

(3A) If within the statutory period beginning with the day on which a copy of the draft is laid before the Assembly, the Assembly so resolves, no further steps may be taken by the Department in relation to the draft.

(3B) If the Assembly does not resolve as mentioned in subsection (3A), the Department must publish the code in any manner that it considers appropriate.

(3C) Nothing in subsection (3A) prevents the Department preparing a new draft of the code and dealing with it in accordance with this section, including subsection (3)."

A consequential amendment would be required to subsection (5) to extend its coverage to the new subsections.

Amendment 2.

"Schedule 1: An amendment to remove the words "Further defining environmental activities" in paragraph 1"

Department's response.

Subject to the necessary approvals, we are proposing to bring forward an amendment for tabling at Consideration Stage to remove the words "Further defining environmental activities" in paragraph 1 of Schedule 1.

Explanatory & Financial Memorandum

As agreed we will provide the Committee, before the date of the next Committee meeting on 5 November 2015, with our proposals to expand the wording in the Explanatory & Financial Memorandum to:-

- explain what is meant by “offence to the senses of human beings” and “ecosystems” in clause 5;
- explain the technical amendment suggested by the Committee concerning maximum fines in clause 8; and
- define what is meant and included by “premises” in clause 13.

Further clarification

As agreed we will also provide the Committee, before the date of the next Committee meeting on 5 November 2015, with some further detail in relation to the following:-

- Schedule 1, paragraph 13(10) – clarification of the reason why a maximum fine is defined in the Bill but not a minimum fine; and
- Schedule 1, paragraph 13(11) – further clarification regarding what this will mean in practice.

The Committee has indicated that it will continue its deliberations on Thursday 5 November 2015 and at that stage will require the final wording of all the amendments that the Department intends to bring. We will try our very best to meet this deadline.

I trust that you will find this information helpful.

Best regards.

Robert