



Department of the
Environment

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Your reference:

Our reference:

Date: 9 November 2015

Dear Ciara

Thank you for your letter of 5 November 2015 seeking the Department's response to the Committee's query as to why paragraphs 1(2) and 1(3) of Schedule 1 to the Bill had been retained.

After further discussion with the Bill draftsman and approval from DSO, we have agreed to remove paragraph 1 in its entirety. We are satisfied that the removal of paragraph 1 will not impact on the development of the regulations to be made under the Bill.

We have also now received a draft amendment from the Bill draftsman relating to the enabling power for the Secretary of State to give directions to regulators in certain circumstances.

The seven amendments to be brought forward at Consideration Stage are attached for the Committee's information at Annex A.

Please let me know if you require any further information.

Yours sincerely,

SIMON WEBB

Environmental Better Regulation Bill

Consideration Stage

Minister of the Environment

Amendment 1

Clause 3, Page 2, Line 32

Leave out ‘as it thinks fit, including such’ and insert ‘, including’

Amendment 2

New Clause

After clause 3 insert –

‘Regulations relating to protecting and improving the environment: objective

3A. The Department must, in making regulations under section 2, have as an objective reducing the regulatory and administrative burden on persons carrying on regulated activities to the greatest extent possible consistent with protecting and improving the environment.’

Amendment 3

Clause 8, Page 5, Line 35

After ‘scale’ insert ‘for an offence that is triable only summarily or the statutory maximum for an offence that is triable summarily or on indictment’

Amendment 4

Clause 12, Page 7, Lines 3 and 4

Leave out ‘publish the code in any manner that it considers appropriate’ and insert ‘cause a draft of the code to be laid before the Assembly’

Amendment 5

Clause 12, Page 7, Line 4

At end insert -

‘(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 in relation to the draft.

(3B) Nothing in subsection (3A) prevents a new draft being prepared and dealt with in accordance with this section, including subsection (3).

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

Amendment 6

New Clause

Before clause 23 insert –

‘National security

22A.—(1) Regulations made by the Department under this Act may make provision for, or in connection with, enabling the Secretary of State, in the interests of national security, to give directions (whether general or specific) with which persons by whom powers or functions conferred by the regulations are exercisable must comply, or guidance to which such persons must have regard, in exercising powers or functions under the regulations, including—

(a) directions that specified information, or information of a specified description, not be included in a register required to be maintained under the regulations;

(b) directions that specified information, or information of a specified description, not be published or made available to a specified person or public body, or a person or public body of a specified description, or to the public; and

(c) directions that specified powers or functions, or powers or functions of a specified description, not be exercised in relation to specified land or premises, or land or premises of a specified description.

(2) In this section “specified” means specified in the regulations.’

Amendment 7

Schedule 1, Page 14, Lines 7 to 9

Leave out paragraph 1