EXPLANATORY MEMORANDUM TO

THE FINANCIAL ASSISTANCE FOR ENVIRONMENTAL PURPOSES (ENGLAND AND WALES) ORDER 2015

2015 No. 479

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this Order is to consolidate the entries in the list in section 153(1) of the Environmental Protection Act 1990 (*article 2*) and to revoke the 25 previous Orders that have varied the list. It also includes two additional international agreements (the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 - the "London Protocol", and the International Convention for the Regulation of Whaling).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Under section 153 of the Environmental Protection Act 1990, the Secretary of State may provide financial assistance to those organisations, schemes, programmes or international agreements listed in section 153(1). Section 153(4) gives the Secretary of State the power to amend this list.

5. Territorial Extent and Application

5.1 This Order extends to England and Wales

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State for natural environment and science has made the following statement regarding Human Rights:

In my view the provisions of the Financial Assistance for Environmental Purposes (England and Wales) Order 2015 are compatible with the Convention rights

7. Policy background

7.1 The Environmental Protection Act 1990 brings in a system of integrated pollution control for the disposal of wastes to land, water and air, within England, Wales and Scotland.

7.2 The 1990 Act provides for the Secretary of State, with Treasury consent, to give financial assistance to (or for the purposes of) any "organisation, scheme, programme or international agreement whose purposes relate to the protection, improvement or better understanding of the environment" listed in the legislation.

7.3 The list has been amended on 25 occasions since the 1990 Act came into force and each alteration has required the production of a new order to make the change.

7.4 In order to simplify the legislative framework this Order will consolidate all the previous changes into one place.

7.5 The Order includes two further international agreements, providing expressly for the Secretary of State to give financial assistance for their purposes, under the 1990 Act. The first is the 1996 London Protocol, which was agreed with a view to modernising and eventually replacing the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention). The International Maritime Organisation (IMO) acts as the secretariat to the London Convention and the Protocol. Inclusion of the London Protocol in section 153(1) of the 1990 Act provides for payments directly into the IMO's technical cooperation trust fund (which supports London Protocol work). The second is the International Convention for the Regulation of Whaling (ICRW), which establishes the international framework for the conservation and management of whale populations. Inclusion of the ICRW in section 153(1) of the 1990 Act provides for payments, such as those made into the International Whaling Commission's Voluntary Conservation Fund (established in 2014).

8. Consultation outcome

8.1 These are legislative functions which require no outside consultation.

9. Guidance

9.1 No guidance or any other form of publicity is required as this Order continues current arrangements.

10. Impact

10.1 An Impact Assessment has not been prepared for this Order.

11. Regulating small business

11.1 This Order continues current arrangements for the Government to provide financial assistance to those organisations, schemes, programmes or international agreements listed in section 153(1) and may benefit small businesses.

12. Monitoring & review

12.1 The Department for Environment, Food and Rural Affairs will continue to monitor the suitability of organisations to be listed in the Order.

13. Contact

Miles Kane-Smith, at the Department for Environment Food and Rural Affairs Tel: 020 7238 5663 or email: miles.kane-smith@defra.gsi.gov.uk can answer any queries regarding the Order.