EXPLANATORY MEMORANDUM TO

The Removal and Disposal of Vehicles (Prescribed Periods) Regulations (Northern Ireland) 2012

S.R. 2012 No. 52

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 30(2) and 31(1)(c)(ii) and (5) of the Pollution Control and Local Government (Northern Ireland) Order 1978 (the 1978 Order) and is subject to the negative resolution procedure.

2. Purpose

2.1. The Rule makes provision concerning the removal of abandoned vehicles and the disposal of removed vehicles by district councils under Articles 30 and 31 of the 1978 Order as amended by the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

3. Background

3.1. During the consultation on the Clean Neighbourhoods and Environment Bill, some consultees commented that prescribed periods for landowner objections under Article 30(2) (removal) and vehicle owner objections under Article 31(1)(c)(ii) and 31(5) (disposal) of the 1978 Order remained unprescribed.

3.2. The Rule prescribes 7 days as the period during which:-

- an occupier of land may object to the removal of an abandoned vehicle under Article 30(2) of the 1978 Order;
- an owner may comply with a notice to remove a vehicle from council custody under Article 31(1)(c)(ii) of the 1978 Order; and
- an owner may remove a vehicle from council custody before it can be disposed of under Article 31(5) of the 1978 Order.

4. Matters of Special Interest to the Environment Committee

4.1. None

5. Consultation

5.1. The Rule was the subject of a consultation exercise (along with draft guidance on nuisance parking and abandoned vehicles) between 28 September and 21 December 2011. Consultees were content with the 7 day period as prescribed.

5.2. A copy of the synopsis of responses is available on the Department's website at www.doeni.gov.uk/clean_neighbourhoods.htm

6. Parity or Replicatory Measure

6.1. The Rule replicates the relevant England and Wales provisions under the corresponding Act.

7. Equality Impact

7.1. The Rule was the subject of an equality screening exercise as it has no impact on any of the section 75 categories. This was also addressed fully at the primary legislation stage

8. Regulatory Impact

8.1. A regulatory impact assessment on the effect of the Clean Neighbourhoods and Environment Bill (Northern Ireland) 2010 is available on the Department's website (vehicles are dealt with on pp. 6 to 7). A separate regulatory impact assessment has not been produced for the Rule as it has no impact on the cost to business

9. Financial Implications

9.1. The Rule has no measurable financial implications

10. Section 24 of the Northern Ireland Act 1998

10.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Rule is not incompatible with the Convention rights, is not incompatible with Community law, does not discriminate against a person or class of person on the grounds of religious belief or political opinion; and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

11. EU Implications

11.1. Not applicable

12. Additional Information

12.1. Not applicable