EXPLANATORY MEMORANDUM TO

The Sulphur Content of Solid Fuel (Amendment) Regulations (Northern Ireland) 2022

2022 No. 275

1. Introduction

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

1.2. The Statutory Rule is made under powers conferred by sections 11 of, and paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure.

2. Purpose

2.1. These regulations amend the Sulphur Content of Solid Fuel Regulations (Northern Ireland) 2022 and are required to update the British Standard method used to determine the sulphur content of coal and coke.

3. Background

3.1. The Regulations, which restrict the selling of any solid fuel having a total sulphur content greater than 2 per cent, were introduced to contribute towards the implementation of Council Directive 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particles. This Directive (no longer in force) was repealed by the Air Quality Framework Directive 96/62/EE and its daughter Directive 1999/30/EC. Those Directives were subsequently repealed by Directive 2008/50/EC on the air quality and cleaner air for Europe which is still in force.

4. Consultation

4.1. A consultation has not been deemed necessary as the amendment relates solely to a technical change of the Regulations.

5. Equality Impact

5.1. There are no equality issues associated with these regulations.

6. Regulatory Impact

6.1. The impacts of these regulations are technical in nature and are not expected to place any direct additional burdens on businesses, charities, voluntary bodies or the public sector generally.

7. Financial Implications

7.1. There are no financial implications associated with these regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Statutory Rule complies with the provisions set out in Section 24.

9. EU Implications

9.1. These Regulations, along with other regulations contribute to continued compliance with Directive 2008/50/EC.

10. Parity or Replicatory Measure

10.1. Similar amendments have been introduced in England through the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020.

11. Additional Information

11.1. Not applicable