EXPLANATORY MEMORANDUM TO

The Waste (Fees and Charges) (Amendment) Regulations (Northern Ireland) 2013

SR 2013 No. 248

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 section 2(2) of the European Communities Act 1972 and Articles 4(3), 39(2) and (3) of the Waste and Contaminated Land (Northern Ireland) Order 1997 and is subject to the negative resolution procedure.

2. Purpose

2.1. The effect will be to increase the fees and charges quoted in the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 and the Waste Management Licensing Regulations (Northern Ireland) 2003 by 2.7%.

3. Background

3.1. The Department is required to have in place a charging scheme so that, as far as practicable, fees and charges payable for waste management activities under the Waste and Contaminated Land (NI) Order 1997 (the 1997 Order) are sufficient to recover the costs incurred by the Department in exercising its functions under the Order. The Northern Ireland Environment Agency (NIEA) mainly recovers these costs through a Charging Scheme. However, charges for the above activities are outside the Charging Scheme and are levied directly via subordinate legislation made under the 1997 Order in compliance with the Polluter Pays Principle established within the Waste Framework Directive.

4. Consultation

4.1. Because the policy on charging has already been established and because NIEA had consulted on the complete range of proposed increased charges there was no need to carry out a further specific consultation on these Regulations.

5. Equality Impact

5.1. It was determined at the time of consultation that changes made by this Rule would have no impact in terms of section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not carried out because the proposals result in a negligible increase in fees.

7. Financial Implications

7.1. The Statutory Rule will allow the Department to recover its costs in relation to the processing of waste management exemptions and the registration of carriers of waste, by increasing the fees and charges relating to the registration of waste carriers and waste exemptions by 2.7%, representing increases of between £1 and £21 applied either annually or tri-annually dependent on the activity. Although these changes are small in real terms they represent a valuable source of cost recovery for the NIEA.

8. Section 24 of the Northern Ireland Act 1998

8.1. These Regulations are deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. These fees and charges are comparable to those charged in the rest of the UK.

11. Additional Information

11.1. Not applicable.