EXPLANATORY MEMORANDUM TO

The Waste (Fees and Charges) (Amendment) Regulations (Northern Ireland) 2020

SR 2020 No. 112

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) 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 section 2(2) of the European Communities Act 1972 and by Articles 39(2) and (3) of the Waste and Contaminated Land (Northern Ireland) Order 1997 (the 1997 Order) and is subject to the negative resolution procedure.

2. Purpose

2.1. The Waste (Fees and Charges) (Amendment) Regulations (Northern Ireland) 2020 increase fees and charges in relation to the processing of applications for the registration of brokers, dealers and carriers of waste and the processing of applications for the registration of exemptions from waste management licensing which are imposed directly via the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 and the Waste Management Licensing Regulations (Northern Ireland) 2003. The purpose of the fees and charges is to recover the costs incurred by the Department (NIEA) in carrying out its functions in relation to processing applications for these registrations. Through this Statutory Rule, the relevant fees and charges highlighted above will be uplifted in line with the GDP deflator.

3. Background

3.1. In line with the polluter pays principle, the NIEA recovers 100% of the costs it incurs as the regulator of waste activities in Northern Ireland. This is achieved largely through receipt of fees and charges set out in waste management charging schemes which are updated and published on an annual basis. The Chief Executive of the NIEA will approve the Waste Management Charging (Northern Ireland) Scheme 2020 in June 2020.

3.2. Fees and charges in relation to the registration of brokers, dealers and carriers of waste and the processing of registrations for exemptions from waste management licensing are imposed directly via the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 and the Waste Management Licensing Regulations (Northern Ireland) 2003. While the updated fees and charges for these registrations are set out in the Waste Management Charging (Northern Ireland) Scheme 2020, the Department is also required to update the relevant legislation to give effect to the increases.

3.3. This Statutory Rule amends the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 and the Waste Management Licensing Regulations (Northern Ireland) 2003 to increase the relevant fees and charges associated with these registrations, ensuring that the fees and charges within these Regulations are consistent with those set out in the Waste Management Charging (Northern Ireland) Scheme 2020.

4. Consultation

4.1. The increases made through this Statutory Rule are in line with the NIEA Regulatory Charging Policy 2016-2021. NIEA consulted on its Regulatory Charging Policy 2016-2021 between 30 January 2016 and 24 March 2016. No significant issues were raised as part of the consultation process.

5. Equality Impact

5.1. It was determined at the time of the original consultation on the NIEA Regulatory Charging Policy 2016-2021 that there were no equality issues. The Department further completed a preliminary screening exercise on this Statutory Rule which has shown no evidence of any impact on equality issues. Therefore, the Department did not consider it necessary to complete a full Equality Impact Assessment.

6. Regulatory Impact

6.1. A regulatory impact assessment is not required in respect of changes to statutory fees by a predetermined formula such as the rate of inflation.

7. Financial Implications

7.1. The Regulations enable the Department to recover its costs as the regulator of waste activities in Northern Ireland. The Statutory Rule will introduce increases of between £1 to £17 for a mixture of fees which are applied annually or tri-annually dependent on the activity. For example, there are increases from £75 to £76 p.a. for certain applications and registrations. Fees for registrations in connection with certain exemptions currently range from £659-£909 and will increase by a maximum of £17.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Statutory Rule complies with the provisions set out in Section 24. The Rule does not discriminate on grounds of religious belief or political opinion nor does it modify the European Communities Act 1972, the Human Rights Act 1998 or other statutory provisions listed in section 7 of the 1998 Act.

9. EU Implications

9.1. The Statutory Rule will help the Department to comply with the requirements of the Waste Framework Directive (2008/98/EC) and in particular the polluter-pays principle.

10. Parity or Replicatory Measure

10.1. The Environmental Permitting (England and Wales) Regulations 2016 set out the waste management licensing requirements (as permits) for England

and Wales, including the associated fees and charges. Waste permit fees and charges are also increased on an annual basis in England and Wales.

11. Additional Information

11.1. Not applicable.