

This Statutory Instrument has been made in consequence of a defect in SI 2009/153 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2009 No. 3275

ENVIRONMENTAL PROTECTION, ENGLAND

**The Environmental Damage (Prevention and Remediation)
(Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>10th December 2009</i>
<i>Laid before Parliament</i>		<i>15th December 2009</i>
<i>Coming into force</i>	- -	<i>12th January 2010</i>

The Secretary of State has been designated in respect of the environment^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b), and makes these Regulations under the powers conferred by that section.

Title, commencement and application

1. These Regulations may be cited as the Environmental Damage (Prevention and Remediation) (Amendment) Regulations 2009 and come into force on 12th January 2010.

Amendments

2. The Environmental Damage (Prevention and Remediation) Regulations 2009^(c) are amended as follows.

3. In regulation 6(1), in the table—

- (a) for the words “seabed of the continental shelf” substitute “seabed out to the limits of the continental shelf”.
- (b) for the words “in the renewable energy zone” substitute “out to the limits of the renewable energy zone”.

4. In paragraph 5 of Schedule 1, after the words “the Conservation (Natural Habitats, etc.) Regulations 1994^(d)” add “the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001^(e), the Offshore Marine Conservation (Natural Habitats, etc.) Regulations 2007^(f)”.

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- (a) S.I. 2008/301.
 - (b) 1972 c. 68. Paragraph 1a was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).
 - (c) S.I. 2009/153. The 2009 Regulations make provision for implementing in England, surrounding waters and in marine areas where the United Kingdom has jurisdiction beyond the territorial sea, Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage.
 - (d) S.I. 1994/2716 as last amended by S.I. 2009/6.
 - (e) S.I. 2001/1754, as last amended by S.I. 2007/1842.
 - (f) S.I. 2007/1842, as amended by S.I. 2009/7.

Jim Fitzpatrick
Minister of State

10th December 2009

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Damage (Prevention and Remediation) Regulations 2009 (“the 2009 Regulations”) which implemented Directive 2004/35/EC of the European Parliament and of the Council (OJ No L 143, 30.4.2004, p. 56) on environmental liability with regard to the prevention and remedying of environmental damage as amended by Directive 2006/21/EC (OJ No L102, 11.4.2006, p. 15).

Regulation 3 corrects the application of the 2009 Regulations with respect to the sea adjoining England.

Regulation 4 amends paragraph 5 of Schedule 1 to the 2009 Regulations, by adding references to regulations implementing Directive 92/43/EC (OJ No L 206, 22.7.1992, p. 7 as last amended by Council Directive 2006/105/EC (OJ No L 363, 20.12.2006, p. 368) and Directive 79/409/EEC (OJ No L 103, 25.4.1979, p. 1 as last amended by Council Directive 2008/102/EC, OJ No L323, 3.12.008, p. 31) in relation to marine areas where the United Kingdom exercises jurisdiction beyond its territorial sea.

A transposition note setting out how the 2009 Regulations, as amended by this instrument, transpose the provisions of Directive 2004/35/EC, is available on the Defra website at www.defra.gov.uk.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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