

EXPLANATORY MEMORANDUM TO

The Road Traffic and Vehicles and Waterways (Amendment) Regulations (Northern Ireland) 2019

S.R. 2019 No. 6

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure (DfI) 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 is subject to the negative resolution procedure.

2. Purpose

- 2.1 These Regulations amend a number of Statutory Rules to clarify that statutory responsibility for the related functions has transferred to the Department for Infrastructure, from the Department of the Environment (DoE).

3. Background

- 3.1 Changes to the structures of government were proposed in the Stormont House Agreement of 23rd December 2014 and subsequently agreed by the Northern Ireland Executive. To give effect to the agreed changes, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (“the 2016 Order”) initially transferred departmental functions between relevant Departments. The Departments Act (Northern Ireland) 2016 (“the 2016 Act”) then renamed or dissolved each Northern Ireland Civil Service Department, reducing the number of Departments from twelve to nine.
- 3.2 Before DoE was dissolved by the 2016 Act, Article 8(1) of the 2016 Order transferred a range of specified primary legislation from DoE to the Department for Communities (DfC) and the Department for Infrastructure (DfI). It also directed that all other statutory provisions be transferred to the Department of Agriculture, Environment and Rural Affairs (DAERA).
- 3.3 However the 2016 Order did not specifically address subordinate legislation made under section 2(2) of the European Communities Act 1972. For transparency, these Regulations clarify that, where appropriate, statutory responsibility for such Statutory Rules rests with DfI. The relevant Statutory Rules are listed in the Regulations.

4. Consultation

4.1 Consultation on these Regulations was not required. The 2016 Order was a technical instrument designed to ensure that all NI legislation was designated to the appropriate Department. These Regulations simply seek to ensure that the intended effect of the 2016 Order is fully achieved for DfI.

5. Equality Impact

5.1 A screening exercise was carried out on the proposed legislation in respect of compliance with section 75 of the Northern Ireland Act 1988. The outcome was that an Equality Impact Assessment was not considered necessary and the Department considers that the regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1 As these Regulations do not contain any provisions that will result in an increased or adverse impact on business, charities or the community or voluntary sectors, no Regulatory Impact Assessment has been conducted.

7. Financial Implications

7.1 Not applicable.

8. Section 24 of the Northern Ireland Act 1998

8.1 These Regulations do not have any human rights implications, nor are they incompatible with EU law. They are therefore 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 Measures

10.1 Not applicable.

11. Additional Information

11.1 Not applicable.