

## **ANNEX III**

### **SCREENING FOR EQUALITY IMPACT ASSESSMENT**

Northern Ireland Act 1998 (Section 75) – Statutory Equality Obligations

#### **The Air Quality Standards Regulations (Northern Ireland) 2007**

##### 1. Introduction

Section 75 of the Northern Ireland Act 1998 requires all public authorities in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity between:

- Persons of different religious beliefs.
- Persons of different political opinions.
- Persons of different racial groups.
- Persons of different ages.
- Persons of different marital status.
- Persons of different sexual orientation.
- Men and women generally.
- Persons with a disability and persons without.
- Persons with dependants and persons without.

To satisfy this requirement, government departments carry out Equality Impact Assessments of policies and legislation to test whether they could have an adverse impact on equality of opportunity between any of the nine groups listed above. While it is acknowledged that Section 75 puts a duty on public authorities to look at all its policy areas and not just those relating to equality issues, it is accepted that not all policies need to be assessed to the same extent. Screening aims to identify those policies that are likely to have the greatest impact on equality of opportunity and therefore should be subject to a full Equality Impact Assessment.

##### 2. Brief Summary of the Regulations

The draft regulations will implement Directive 2004/107/EC of the European Parliament and the Council on arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons (PAHs) in ambient air. The Directive sets target values from 31 December 2012 so as to avoid, prevent or reduce harmful effects on human health and the environment as a whole. They will also streamline air quality legislation by consolidating existing air quality legislation.

### 3. Aims of the Regulations

The purpose of the fourth Daughter Directive is to reduce harmful effects on human health and the environment of airborne arsenic, cadmium, mercury, nickel and PAHs, which are known carcinogens. This Directive is linked to the Air Quality Framework Directive (96/62/EC) which required the European Commission to come forward with proposals for regulating these pollutants.

### 4. Screening Analysis

- 4.1 Is there any evidence of higher or lower participation or uptake by different groups within any of the nine categories?

<b>YES</b>	
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<b>NO</b>	✓
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- 4.2 Is there any evidence that particular groups have different needs, experiences, issues and priorities in relation to the particular main policy area?

<b>YES</b>	
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<b>NO</b>	✓
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The proposed regulations aim to ensure protection of the environment and human health by further enhancing the current UK regulatory systems . There is no evidence that particular groups have different needs, experiences, issues and priorities in relation to this topic.

- 4.3 Is there an opportunity to better promote equality of opportunity or good relations by altering policy or working with others in Government or the community at large?

<b>YES</b>	
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<b>NO</b>	✓
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- 4.4 Have consultations in the past with relevant groups, organisations or individuals indicated that particular policies create problems which are specific to them?

<b>YES</b>	
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<b>NO</b>	✓
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## 5. Equality Impact Assessment Decision

- 5.1 Full Equality Impact Assessment procedure is confined to those policies considered likely to have significant implications for equality of opportunity. As a result of the screening analysis in Section 4, it is considered that there will be no significant implications for equality of opportunity arising from the introduction of the legislation and policy contained in the draft Air Quality Standards Regulations (Northern Ireland) 2007. They do not, therefore, need to be submitted for a full Equality Impact Assessment.

## ANNEX IV

### HUMAN RIGHTS ACT 1998

#### The Air Quality Standards Regulations (Northern Ireland) 2007

#### **1. Introduction:**

1.1 The purpose of this paper is to review the Human Rights implications of the proposals contained in this consultation paper. The aims of the proposals are to discuss the options for dealing with arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

#### **2. Proposals:**

2.1 To provide an adequate legal framework to ensure that the obligations imposed by the Directive are fully and properly transposed, and can be achieved by imposing various duties on the Department as follows:

- Imposition of the target values
- Taking necessary measures to attain the target values
- Maintaining air quality where it complies with target values
- Assessing air quality and deposition rates
- Providing information to the public and relevant organisation

2.2 Whether, in practice, the consolidation – as we intend – transposes only the minimum requirements of the Framework Directive and the first three Daughter Directives.

#### **3. Human Rights Assessment**

3.1 The proposals laid out in this consultation paper do not themselves create any direct obligations for industry, however, regulators will take them into account when determining permits or other controls on emissions, under other legislation, in order that limit values are not exceeded. The Department therefore considers that its proposals are fully compliant with the European Convention on Human Rights.