

UK MINISTERS ACTING IN DEVOLVED AREAS

161 - The Environment (Amendment etc.) (EU Exit) (Amendment) (England and Wales) Regulations 2020

Laid in the UK Parliament: 13 May 2020

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	2 June 2020
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	2 June 2020
Date sifting period ends in UK Parliament	18 June 2020
Written statement under SO 30C:	Paper 9
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not recommended for upgrade
Procedure	Made Negative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

These Regulations address the failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU. They allow the Welsh Ministers to continue to exercise certain powers in the Pollution Prevention and Control Act 1999 after the implementation period ends. The power is to regulate activities which are capable of causing environmental pollution in connection with certain EU Directives designated by the Secretary of State and Welsh Ministers. The directives relate to waste; water quality; air quality; asbestos pollution; public participation in environmental plans and programmes;

environmental liability (to prevent or remedy environmental damage); environmental noise; and chemicals.

Legal Advisers make the following comment in relation to the Welsh Government's statement dated 27 May 2020 regarding the effect of these Regulations:

In the paragraph considering what impact the Regulations may have on competence, the statement states that existing powers of the Welsh Ministers have been amended to ensure that they will be able to continue introducing legislation post exit day when it should state **after the implementation period** ends.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.