

UK MINISTERS ACTING IN DEVOLVED AREAS

The Control of Mercury (Amendment) (EU Exit) Regulations 2018

Laid in the UK Parliament: 8 November 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	20 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	19/20 November 2018
Date sifting period ends in UK Parliament	26 November 2018
Written statement under SO 30C:	Paper 10
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
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(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

The purpose of the Control Mercury (Amendment) (EU Exit) Regulations 2018 is to make the necessary amendments to the regime, which controls mercury and compounds of mercury that may be released into the environment as a result of human activities. Due to the on-going international requirements under the Minamata Convention, it is necessary to amend the retained EU law to ensure the UK is meeting its international obligations.

Without the amendments contained in the EU Exit SI, the legislation would contain a number of deficiencies, which could create legal uncertainty for those required to comply with the obligations.

The amendments in these Regulations do not make any divergence in current policy with the European Union.

Legal Advisers agree with the statement laid by the Welsh Government dated 12th November 2018 regarding the effect of these Regulations. 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.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.