

## UK MINISTERS ACTING IN DEVOLVED AREAS

### **The Environment Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2018**

*Laid in the UK Parliament: 14 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	27 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	W/C 26 November 2018
Date sifting period ends in UK Parliament	29 November 2018
Written statement under SO 30C:	Paper 18
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 of the European Union (Withdrawal) Act 2018.

These Regulations amend five sets of regulations, four of which apply to Wales; the remaining one applies only to England and is not relevant for these purposes. The Regulations to be amended define an environmental impact assessment and set out what it must identify, describe and assess and prescribe procedures related to it. It arises from Directive 2011/92/EU which deals with the assessment and effect of certain public and private projects on the environment. The Regulations make minor and technical amendments to ensure that the law in this area continues to operate after the UK leaves the European Union.

Legal Advisers agree with the statement laid by the Welsh Government dated 15 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.