

SL(5)288 – The Environmental Protection (Miscellaneous Amendments) (England & Wales) Regulations 2018

Background and Purpose

These composite regulations make a number of amendments to two enactments, the Environmental Permitting (England and Wales) Regulations 2016 (“EPR”) and the Environmental Protection Act 1990 (“the 1990 Act”). Amendments to the 1990 Act take effect in relation to England only.

This instrument amends the EPR to improve operator competence at permitted waste sites by introducing requirements for written management systems and requiring the operator to notify the regulator of their compliance with a technical competence scheme.

Procedure

Negative.

Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument.

Standing Order 21.2 (ix): The Regulations have been made in English only. The Regulations have been made on an England and Wales basis.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Implications arising from exiting the European Union

Parts of these regulations form part of “EU-derived domestic legislation” under section 2 of the European Union (Withdrawal) Act 2018 (“the Act”), therefore these Regulations will be retained as domestic law and will continue to have effect in Wales on and after exit day. The Act gives the Welsh Ministers power to modify these Regulations in order to deal with deficiencies arising from EU withdrawal, subject to certain limitations.

Government Response

No government response is required. The Explanatory Memorandum says “this instrument makes amendments to existing enactments and is being made on a composite basis by the Welsh Ministers (in relation to Wales) and by the Secretary of State (in relation to England). As this composite instrument is subject to scrutiny by the National Assembly for Wales and by the UK Parliament, it is not considered reasonably practicable for this instrument to be made or laid bilingually.”

Legal Advisers

Constitutional and Legislative Affairs Committee

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