

UK MINISTERS ACTING IN DEVOLVED AREAS

The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2018

Laid in UK Parliament: 27 November 2018

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C	Paper x
SICM under SO 30A (because amends primary legislation)	Paper x

Scrutiny procedure

Outcome of sifting	N/A
Procedure	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 the European Union (Withdrawal) Act 2018.

The Regulations amend domestic legislation and retained EU law relating to certain transport aspects of environmental impact assessment legislation. They also amend some minor deficiencies. The legislation makes various references to Member States of the EU and to provisions of EU law. Those references will become inoperable when the UK exists the European Union. Accordingly, references to Member States will become references to the Secretary of State.

Legal Advisers make the following comment in relation to the Welsh Government's statement dated 29 November 2018 regarding the effect of these Regulations: The statement does not explain that references to Member States will become references to the Secretary of State.

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.