

Statutory Instruments with clear reports, that were previously considered for sifting and are now subject to scrutiny under Standing Orders 21.2 and 21.3

4 March 2019

The following instruments were previously considered for sifting in accordance with Standing Order 21.3B. In the sift process, the Committee agreed that in all cases the appropriate procedure for the Regulations was the negative resolution procedure. Now the instruments are subject to usual scrutiny in accordance with Standing Orders 21.2 and 21.3. Although all the instruments have clear reports they also contain a merits point to highlight the sift process:

Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

A draft of these Regulations was laid before the Assembly for sifting in accordance with paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018. The Committee agreed that the negative procedure was the appropriate procedure for these Regulations

## SL(5)325 – The Learner Travel (Wales) (Amendment) (EU Exit) Regulations 2019

### Procedure: Negative

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These Regulations substitute “requirement of retained direct EU legislation” for “directly applicable requirement of European Union law” in section 14A(5) of the Learner Travel (Wales) Measure 2008.

**Parent Act:** European Union (Withdrawal) Act 2018

**Sift requirements satisfied:** 4 February 2019

**Date Made:** 12 February 2019

**Date Laid:** 13 February 2019

**Coming into force date:**



# SL(5)328 – The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

## Procedure: Negative

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These Regulations are made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 (the ‘European Communities Act’) and by the powers conferred by paragraph 1(1) of Schedule 2, and paragraph 21 of Schedule 7 to, the European (Withdrawal) Act 2018 (the ‘Withdrawal Act’).

These Regulations amend 5 other instruments as follows:

- The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (S.I. 2004/1656);
- The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342);
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58);
- Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 (S.I. 2017/565); and
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567).

The provisions made under section 2(2) of the European Communities Act make minor amendments or are to update out-of-date references.

The provisions made under the powers in the Withdrawal Act are intended to address failures of retained EU law to operate effectively and other



deficiencies arising from the withdrawal of the United Kingdom from the European Union.

**Parent Act:** European Union (Withdrawal) Act 2018

**Sift requirements satisfied:** 28 January 2019

**Date Made:** 13 February 2019

**Date Laid:** 13 February 2019

**Coming into force date:**



## SL(5)329 – The Environmental Noise (Wales) (Amendment) (EU Exit) Regulations 2019

### Procedure: Negative

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These Regulations are made under section 11 of, and paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 2018. The Regulations amend the Environmental Noise (Wales) Regulations 2006 (“the **2006 Regulations**”) in order to address failures of retained EU to operate effectively and other deficiencies arising from the UK’s departure from the European Union.

The 2006 Regulations implemented Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise. These Regulations maintain the requirements imposed by the 2006 Regulations but amend references to Directive 2002/49/EC and make other minor and technical amendments.

**Parent Act:** European Union (Withdrawal) Act 2018

**Sift requirements satisfied:** 7 January 2019

**Date Made:** 11 February 2019

**Date Laid:** 13 February 2019

**Coming into force date:**

## SL(5)330 – The Equine Identification (Wales) (Amendment) (EU Exit) Regulations 2019

### Procedure: Negative

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These Regulations make amendments to the Equine Identification (Wales) Regulations 2019 (the “2019 Regulations”) which supplement and make provision for the enforcement of Commission Implementing Regulation (EU) 2015/262 laying down rules pursuant to Council Directives 90/427/EEC and



2009/156/EC as regards the methods for the identification of equidae in Wales.

These Regulations are made in exercise of the power conferred by paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

**Parent Act:** European Union (Withdrawal) Act 2018

**Sift requirements satisfied:** 4 February 2019

**Date Made:** 11 February 2019

**Date Laid:** 13 February 2019

**Coming into force date:**

