

UK MINISTERS ACTING IN DEVOLVED AREAS

110 - The Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019

Laid in the UK Parliament: 12 February 2019

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Negative
Date of consideration by the House of Commons European Statutory Instruments Committee	26 February 2019
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	25 February 2019
Date sifting period ends in UK Parliament	28 February 2019
Written statement under SO 30C:	Paper 42
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.

These Regulations make several amendments and revocations to several environmental laws to ensure that they function after the UK's exit from the European Union.

These Regulations amend 4 EU Commission Regulations and 5 EU Exit UK Regulations. They also revoke specified provisions in a further 18 EU Commission regulations and EU Decisions, which are listed correctly in the Welsh Government statement.

There is no impact on the Assembly's competence, but the Government's statement says, "these Regulations do not confer legislative functions,

however they confer administrative functions on the Welsh Ministers without encumbrance.” The statement does not specify what these “administrative functions” are. Legal Services have recommended that the Committee ask for further detail in this regard.

Aside from this point Legal Advisers agree with the statement laid by the Welsh Government dated 15th February regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

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.