

**UK MINISTERS ACTING IN DEVOLVED AREAS**

**158 - The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2019**

*Laid in the UK Parliament: 14 October 2019*

**Sifting**

Subject to sifting in UK Parliament?	No
Procedure:	Made 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	N/A
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 22
SICM under SO 30A (because amends primary legislation)	Not required

**Scrutiny procedure**

Outcome of sifting	N/A
Procedure	Made 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.

These Regulations make corrections to ensure that Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (POPs) functions once the UK leaves the European Union.

This includes transferring legislative and administrative functions that are currently conferred by EU legislation upon the European Commission and the European Chemicals Agency, to be exercisable instead by public authorities in the UK, so that they can be exercised at national level after exit day.

As regards devolved policy areas in Wales, the Regulations contain provisions which enable the Welsh Ministers to exercise functions without encumbrance and also for the Welsh Ministers to provide consent for the Secretary of State to exercise functions in relation to Wales.

Legal Advisers agree with the statement laid by the Welsh Government dated 16 October 2019 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect. We are satisfied that the Regulations are only making corrections to the current legislative framework to ensure that it remains operable, rather than enacting 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.