

*Draft Regulations laid before the Scottish Parliament under paragraph 7(1) of schedule 5 of the Retained EU Law (Revocation and Reform) Act 2023 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2023 No.**

**RETAINED EU LAW REFORM**

**The Retained EU Law (Revocation and Reform) Act 2023  
(Consequential Amendments) (Scotland) Regulations 2023**

*Made* - - - - 2023  
*Coming into force* - - 1st January 2024

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 19(1) of the Retained EU Law (Revocation and Reform) Act 2023(a) and all other powers enabling them to do so.

In accordance with paragraph 7(1) of schedule 5 of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 and come into force on 1 January 2024.

(2) These Regulations extend to Scotland and the Scottish zone, and insofar as they extend beyond Scotland and the Scottish zone they do so only as a matter of Scots law.

(3) In paragraph (2), “Scotland” and “the Scottish zone” have the same meaning as in section 126(1) and (2) of the Scotland Act 1998(b).

**Amendments of primary legislation**

2. Schedule 1 of these Regulations (amendments of primary legislation) has effect.

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(a) 2023 c. 28. The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) and the Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.

(b) 1998 c. 46. The part of the internal waters and territorial sea of the United Kingdom, and the boundaries of the sea within British fishery limits, which is adjacent to Scotland is determined by the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126).

**Amendments of secondary legislation**

3. Schedule 2 of these regulations (amendments of secondary legislation) has effect.

St Andrew's House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Government

## SCHEDULE 1

Regulation 2

### Amendments of primary legislation

#### **The Prescription and Limitation (Scotland) Act 1973**

- 1.—(1) The Prescription and Limitation (Scotland) Act 1973(a) is amended as follows.
- (2) In section 23A(5)—
- (a) in the definition of “the Rome I Regulation”, for “retained direct EU” substitute “assimilated direct”,
  - (b) in the definition of “the Rome II Regulation”, for “retained direct EU” substitute “assimilated direct”.

#### **The Roads (Scotland) Act 1984**

2. In paragraph 6 of schedule 1A of the Roads (Scotland) Act 1984(b), for “retained EU” substitute “assimilated”.

#### **The Freedom of Information (Scotland) Act 2002**

- 3.—(1) The Freedom of Information (Scotland) Act 2002(c) is amended as follows.
- (2) In section 26(b), for “EU” substitute “assimilated”,
- (3) In section 45(2)(c)(ii) for “EU” substitute “assimilated”.

#### **The Water Environment and Water Services (Scotland) Act 2003**

- 4.—(1) The Water Environment and Water Services (Scotland) Act 2003(d) is amended as follows.
- (2) In Part 1 of schedule 5—
- (a) in paragraph 1(1)(b), for “retained EU” substitute “assimilated”,
  - (b) in paragraph 2(a), for “retained EU” substitute “assimilated”,
  - (c) in paragraph 4(b), for “retained EU” substitute “assimilated”,
  - (d) in paragraph 4(c), for “retained EU” substitute “assimilated”,
  - (e) in paragraph 5(b), for “retained EU” substitute “assimilated”,
  - (f) in paragraph 7(a), for “retained EU” substitute “assimilated”,
  - (g) in paragraph 7(b), for “retained EU” substitute “assimilated”,
  - (h) in paragraph 11(a)(i), for “retained EU” substitute “assimilated”,
  - (i) in paragraph 11(a)(ii), for “retained EU” substitute “assimilated”,
  - (j) in paragraph 11(b)(i), for “retained EU” substitute “assimilated”,
  - (k) in paragraph 12(a)(i), for “retained EU” substitute “assimilated”,
  - (l) in paragraph 12(a)(ii), for “retained EU” substitute “assimilated”,
  - (m) in paragraph 12(a)(iii)(A), for “retained EU” substitute “assimilated”,
  - (n) in paragraph 12(a)(iii)(B), for “retained EU” substitute “assimilated”,

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(a) 1973 c. 52, relevantly amended by S.S.I. 2019/834.

(b) 1984 c. 54, relevantly amended by S.S.I. 2019/415.

(c) 2002 asp 13, relevantly amended by S.I. 2011/1043.

(d) 2003 asp 3, relevantly amended by S.S.I. 2019/26.

- (o) in paragraph 13(d), for “retained EU” substitute “assimilated”,
  - (p) in paragraph 13(e), for “retained EU” substitute “assimilated”,
  - (q) in paragraph 15, for “retained EU” substitute “assimilated”,
  - (r) in the italic heading before paragraph 16, for “retained EU” substitute “assimilated”,
  - (s) in paragraph 16, for “retained EU” substitute “assimilated”.
- (3) In Part 2 of schedule 5—
- (a) in paragraph 17(1)(b), for “retained EU” substitute “assimilated”,
  - (b) in paragraph 23(b)(ii), for “retained EU” substitute “assimilated”,
  - (c) in the italic heading before paragraph 24, for “retained EU” substitute “assimilated”,
  - (d) in paragraph 24, for “retained EU” substitute “assimilated”.
- (4) In Part 3 of schedule 5—
- (a) in paragraph 27(b), for “retained EU” substitute “assimilated”.
  - (b) in the italic heading before paragraph 30, for “retained EU” substitute “assimilated”,
  - (c) in paragraph 30, for “retained EU” substitute “assimilated”.

**The Environmental Assessment (Scotland) Act 2005**

- 5.**—(1) The Environmental Assessment (Scotland) Act 2005(a) is amended as follows.
- (2) In section 5(3)(b), for “retained EU” substitute “assimilated”.
  - (3) In the heading before section 13, for “retained EU” substitute “assimilated”.
  - (4) In section 13(1), for “retained EU” substitute “assimilated”.
  - (5) In section 13(2), for “retained EU” substitute “assimilated”.
  - (6) In section 14(4), for “retained EU” substitute “assimilated”.
  - (7) In schedule 2, paragraph 1(e), for “retained EU” substitute “assimilated”.
  - (8) In schedule 3, paragraph 4, for “retained EU” substitute “assimilated”.

**The Animal Health and Welfare (Scotland) Act 2006**

- 6.** In schedule 1 of the Animal Health and Welfare (Scotland) Act 2006(b)—
- (a) in the italic heading before paragraph 1, for “retained EU” substitute “assimilated”,
  - (b) in paragraph 1(1), for “retained EU” substitute “assimilated”.

**The Flood Risk Management (Scotland) Act 2009**

- 7.**—(1) The Flood Risk Management (Scotland) Act 2009(c) is amended as follows.
- (2) In section 6A(2)(b), for “retained EU” substitute “assimilated”.
  - (3) In section 6A(7)(a), for “retained EU” substitute “assimilated”.
  - (4) In section 23(2)(d)(vi), for “retained EU” substitute “assimilated”.
  - (5) In section 51(1), for “retained EU” substitute “assimilated”.
  - (6) In Part 1 of schedule 1, in paragraph 4—
    - (a) in sub-paragraph (a) for “retained EU” substitute “assimilated”,
    - (b) in sub-paragraph (b) for “retained EU” substitute “assimilated”,
    - (c) in sub-paragraph (c) for “retained EU” substitute “assimilated”,

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(a) 2005 asp 15, relevantly amended by S.S.I. 2019/178.  
(b) 2006 asp 11, relevantly amended by S.S.I. 2019/34.  
(c) 2009 asp 6, relevantly amended by S.S.I. 2022/138.

(d) in sub-paragraph (d) for “retained EU” substitute “assimilated”.

#### **The Marine (Scotland) Act 2010**

**8.** In section 79(5) of the Marine (Scotland) Act 2010(a), for “retained EU” substitute “assimilated”.

#### **The Aquaculture and Fisheries (Scotland) Act 2013**

**9.**—(1) The Aquaculture and Fisheries (Scotland) Act 2013(b) is amended as follows.

(2) In section 53(1), in paragraph (b) of the definition of “sea fisheries legislation”, for “retained EU” in both places where it occurs substitute “assimilated”.

(3) In section 59(8)(b)—

(a) for “retained direct EU” substitute “assimilated direct”,

(b) for “retained EU” in both places where it occurs substitute “assimilated”.

(4) In section 63—

(a) before the definition of “British sea-fishery officer”, insert—

““assimilated restriction” means a restriction that—

(a) was created or arose by or under the EU Treaties before IP completion day, and

(b) forms part of assimilated law,

as modified from time to time.”,

(b) repeal the definition of “retained EU restriction”.

#### **The Agriculture (Retained EU Law and Data) (Scotland) Act 2020**

**10.** In the heading before Part 1 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020(c), for “retained EU” substitute “assimilated”.

#### **The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021**

**11.**—(1) The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021(d) is amended as follows.

(2) In section 1(1)(a)(iv), for “retained EU” substitute “assimilated”.

(3) In section 9(2)(d), for “retained EU” substitute “assimilated”.

## **SCHEDULE 2**

Regulation 3

### **Amendments of secondary legislation**

#### **The Urban Waste Water Treatment (Scotland) Regulations 1994**

**1.**—(1) The Urban Waste Water Treatment (Scotland) Regulations 1994(e) are amended as follows.

(2) In regulation 5(8), in the definition of “appropriate treatment”, for “retained EU” substitute “assimilated”.

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(a) 2010 asp 5, relevantly amended by S.S.I. 2019/55.  
(b) 2013 asp 7, relevantly amended by S.S.I. 2019/24.  
(c) 2020 asp 17.  
(d) 2021 asp 4.  
(e) S.I. 1994/2842, relevantly amended by S.S.I. 2019/26.

- (3) In Part 1 of schedule 1, in sub-paragraph (c), for “retained EU” substitute “assimilated”.
- (4) In Part 1 of schedule 3, in paragraph 4, for “retained EU” substitute “assimilated”.
- (5) In schedule 4, for “retained EU” substitute “assimilated”.

### **The Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002**

**2.**—(1) The Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002(a) are amended as follows.

- (2) In regulation 29A(7)(b), for “retained EU” substitute “assimilated”.
- (3) In regulation 29A(7)(e), for “retained EU” substitute “assimilated”.
- (4) In schedule 1, paragraph 6(4)(a)(i), for “retained EU” substitute “assimilated”.
- (5) In schedule 1, paragraph 6(4)(b)(i), for “retained EU” substitute “assimilated”.
- (6) In schedule 3, paragraph 12(a), for “retained EU” substitute “assimilated”.

### **The Landfill (Scotland) Regulations 2003**

**3.**—(1) The Landfill (Scotland) Regulations 2003(b) are amended as follows.

- (2) In regulation 10(3)(b)(i), for “retained EU” substitute “assimilated”.
- (3) In regulation 11(2A)(b), for “retained EU” substitute “assimilated”.

### **The Food Supplements (Scotland) Regulations 2003**

**4.** In regulation 5(2)(a) of the Food Supplements (Scotland) Regulations 2003(c), for “retained EU” substitute “assimilated”.

### **The Water Environment (Register of Protected Areas) (Scotland) Regulations 2004**

**5.**—(1) The Water Environment (Register of Protected Areas) (Scotland) Regulations 2004(d) are amended as follows.

- (2) In Part 1 of schedule 1(1)—
  - (a) in paragraph 2(b), for “retained EU” substitute “assimilated”.
  - (b) in paragraph 2(c)(i), for “retained EU” substitute “assimilated”.
  - (c) in paragraph 2(c)(ii), for “retained EU” substitute “assimilated”.
  - (d) in paragraph 3, for “retained EU” substitute “assimilated”.

### **The Fodder Plant Seed (Scotland) Regulations 2005**

**6.** In regulation 2(1) of the Fodder Plant Seed (Scotland) Regulations 2005(e) for “retained EU” substitute “assimilated”.

### **The Food Hygiene (Scotland) Regulations 2006**

**7.** In schedule 2 of the Food Hygiene (Scotland) Regulations 2006(f), in the entry relating to Article 6(1) of Regulation 852/2004, for “retained EU” substitute “assimilated”.

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(a) S.S.I. 2002/541, relevantly amended by S.S.I. 2019/57, S.S.I. 2019/86 and S.S.I. 2022/361.  
(b) S.S.I. 2003/235, relevantly amended by S.S.I. 2009/247 and S.S.I. 2019/26.  
(c) S.S.I. 2003/278, relevantly amended by S.S.I. 2019/54.  
(d) S.S.I. 2004/516, relevantly amended by S.S.I. 2022/138.  
(e) S.S.I. 2005/329, relevantly amended by S.S.I. 2019/59.  
(f) S.S.I. 2006/3, relevantly amended by S.S.I. 2019/52.

### **The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006**

8. In regulation 24(1)(b) of the Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006(a), for “retained EU” substitute “assimilated”.

### **The Welfare of Animals (Transport) (Scotland) Regulations 2006**

9. In regulation 23(d) of the Welfare of Animals (Transport) (Scotland) Regulations 2006(b), for “retained EU” substitute “assimilated”.

### **The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007**

10. In paragraph 6 of schedule 1 of the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007(c) for “retained EU” substitute “assimilated”.

### **The Bathing Waters (Scotland) Regulations 2008**

11. In regulation 4(9)(a) of the Bathing Waters (Scotland) Regulations 2008(d), for “retained EU” substitute “assimilated”.

### **The Law Applicable to Non-Contractual Obligations (Scotland) Regulations 2008**

12. In regulation 4 of the Law Applicable to Non-Contractual Obligations (Scotland) Regulations 2008(e), for “retained direct EU” substitute “assimilated direct”.

### **The Environmental Liability (Scotland) Regulations 2009**

- 13.—(1) The Environmental Liability (Scotland) Regulations 2009(f) are amended as follows.
- (2) In regulation 4(1)(b)(ii), for “retained EU” substitute “assimilated”.
  - (3) In schedule 1, paragraph A1, for “retained EU” substitute “assimilated”.

### **The Law Applicable to Contractual Obligations (Scotland) Regulations 2009**

14. In regulation 4 of the Law Applicable to Contractual Obligations (Scotland) Regulations 2009(g), for “retained direct EU” substitute “assimilated direct”.

### **The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Scotland) Regulations 2009**

15. In column 2 of the table set out in the schedule of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Scotland) Regulations 2009(h), in both places it occurs, for “retained EU” substitute “assimilated”.

### **The INSPIRE (Scotland) Regulations 2009**

16. In regulation 13(6) of the INSPIRE (Scotland) Regulations 2009(i), for “retained EU” substitute “assimilated”.

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- (a) S.S.I. 2006/337, relevantly amended by S.S.I. 2019/71.
  - (b) S.S.I. 2006/606, relevantly amended by S.S.I. 2019/34.
  - (c) S.S.I. 2007/570, relevantly amended by S.S.I. 2019/415.
  - (d) S.S.I. 2008/170, relevantly amended by S.S.I. 2019/26.
  - (e) S.S.I. 2008/404, relevantly amended by S.S.I. 2019/834.
  - (f) S.S.I. 2009/266, relevantly amended by S.S.I. 2019/276.
  - (g) S.S.I. 2009/410, relevantly amended by S.S.I. 2019/834.
  - (h) S.S.I. 2009/427, relevantly amended by S.S.I. 2019/54.
  - (i) S.S.I. 2009/440, relevantly amended by S.S.I. 2019/103.

### **The Official Feed and Food Controls (Scotland) Regulations 2009**

17. In regulation 4(4) of the Official Feed and Food Controls (Scotland) Regulations 2009(a), for “retained EU” substitute “assimilated”.

### **The Management of Extractive Waste (Scotland) Regulations 2010**

18.—(1) The Management of Extractive Waste (Scotland) Regulations 2010(b) are amended as follows.

(2) In regulation 2(1), in the definition of “unpolluted soil”, for “retained EU” substitute “assimilated”.

(3) In regulation 5(3)(b), for “retained direct EU” substitute “assimilated direct”.

(4) In regulation 12(2), for “retained direct EU” substitute “assimilated direct”.

(5) In regulation 13(1), for “retained direct EU” substitute “assimilated direct”.

(6) In regulation 13(5), for “retained direct EU” substitute “assimilated direct”.

(7) In regulation 14(b), for “retained direct EU” substitute “assimilated direct”.

(8) In regulation 23(4)(b), for “retained direct EU” substitute “assimilated direct”.

(9) In schedule 1—

(a) in paragraph (a)(iii), for “retained direct EU” substitute “assimilated direct”,

(b) in paragraph (b), for “retained direct EU” substitute “assimilated direct”.

### **The Air Quality Standards (Scotland) Regulations 2010**

19. In regulation 2A(2)(h) of the Air Quality Standards (Scotland) Regulations 2010(c), for “retained EU” substitute “assimilated”.

### **The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010**

20.—(1) The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010(d) are amended as follows.

(2) In regulation 2A(3)(b), for “retained EU” substitute “assimilated”.

(3) In regulation 10A(2)(b), for “retained EU” substitute “assimilated”.

(4) In schedule 2, in Part 2, paragraph 5(2), for “retained EU” substitute “assimilated”.

### **The Waste Management Licensing (Scotland) Regulations 2011**

21.—(1) The Waste Management Licensing (Scotland) Regulations 2011(e) are amended as follows.

(2) In regulation 13(2)(b), for “retained EU” substitute “assimilated”.

(3) In regulation 17(8)(b), for “retained EU” substitute “assimilated”.

### **The Trade in Animals and Related Products (Scotland) Regulations 2012**

22.—(1) The Trade in Animals and Related Products (Scotland) Regulations 2012(f) are amended as follows.

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(a) S.S.I. 2009/446, relevantly amended by S.S.I. 2019/52.

(b) S.S.I. 2010/60, relevantly amended by S.I. 2011/1042 and S.S.I. 2019/273.

(c) S.S.I. 2010/204, relevantly amended by S.S.I. 2022/138.

(d) S.S.I. 2010/426, relevantly amended by S.S.I. 2017/112 and S.S.I. 2022/138.

(e) S.S.I. 2011/228, relevantly amended by S.S.I. 2019/26.

(f) S.S.I. 2012/177, relevantly amended by S.S.I. 2019/412, S.S.I. 2020/458 and S.S.I. 2021/138.



- (2) In regulation 13(1), for “retained direct EU” substitute “assimilated direct”.
- (3) In regulation 13(4)(c), for “retained direct EU” substitute “assimilated direct”.
- (4) In regulation 13(4)(e), for “retained direct EU” substitute “assimilated direct”.
- (5) In schedule 2, paragraph 10A(2)(c), for “retained direct minor EU” substitute “assimilated direct minor”.

### **The Pollution Prevention and Control (Scotland) Regulations 2012**

**23.**—(1) The Pollution Prevention and Control (Scotland) Regulations 2012(a) are amended as follows.

- (2) In regulation 2(1), in the definition of “environmental quality standard”, for “retained EU” substitute “assimilated”.
- (3) In regulation 3A(1), in the definition of “Chapter IV Plant”, for “retained EU” substitute “assimilated”.
- (4) In regulation 29(3)(a), for “retained EU” substitute “assimilated”.
- (5) In regulation 29(3)(d), for “retained EU” substitute “assimilated”.
- (6) In regulation 29(3)(f), for “retained EU” substitute “assimilated”.
- (7) In regulation 30(2)(b), for “retained EU” substitute “assimilated”.
- (8) In regulation 36(4)(b)(ii), for “retained EU” substitute “assimilated”.
- (9) In regulation 63(3)(a), for “retained EU” substitute “assimilated”.
- (10) In schedule 1B, paragraph 1(7)(b), for “retained EU” substitute “assimilated”.
- (11) In schedule 4, paragraph 3(d), for “retained EU” substitute “assimilated”.

### **The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013**

**24.**—(1) The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013(b) are amended as follows.

- (2) In regulation 2(1),
  - (a) after the definition of “artificial or heavily modified body of surface water”, insert—
    - ““assimilated law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018”,
  - (b) omit the definition of “retained EU law”.
- (3) In regulation 3(1)(c), in both places it occurs, for “retained EU” substitute “assimilated”.
- (4) In regulation 10(b), for “retained EU” substitute “assimilated”.
- (5) In regulation 13(1)(a), for “retained EU” substitute “assimilated”.
- (6) In regulation 13(1)(j)(iv), for “retained EU” substitute “assimilated”.
- (7) In regulation 14(1)(f)(ii), for “retained EU” substitute “assimilated”.
- (8) In regulation 24(3), for “retained EU” substitute “assimilated”.

### **The Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013**

**25.**—(1) The Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013(c) are amended as follows.

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(a) S.S.I. 2012/360, relevantly amended by S.S.I. 2017/446 and S.S.I. 2019/26.  
 (b) S.S.I. 2013/323, relevantly amended by S.S.I. 2019/26.  
 (c) S.S.I. 2013/325, relevantly amended by S.S.I. 2022/138.

(2) In regulation 7(b), for “retained EU” substitute “assimilated”.

### **The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013**

**26.**—(1) The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013(a) are amended as follows.

(2) In regulation 2(5), for “retained EU” substitute “assimilated”.

(3) In regulation 14, for “retained EU” substitute “assimilated”.

(4) In regulation 17(2), for “retained EU” substitute “assimilated”.

### **The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015**

**27.**—(1) The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015(b) are amended as follows.

(2) In regulation 22(4), in the definition of “relevant plan or programme”—

(a) in sub-paragraph (a), for “retained EU” substitute “assimilated”,

(b) in sub-paragraph (b), for “retained EU” substitute “assimilated”.

### **The Sea Fishing (EU Control Measures) (Scotland) Order 2015**

**28.**—(1) The Sea Fishing (EU Control Measures) (Scotland) Order 2015(c) is amended as follows.

(2) In article 2(1), in the definition of “control measure”, for “retained EU” substitute “assimilated”.

(3) In article 2(1), in the definition of “third country control measure”, for “retained EU” substitute “assimilated”.

### **The Public Contracts (Scotland) Regulations 2015**

**29.**—(1) The Public Contracts (Scotland) Regulations 2015(d) are amended as follows.

(2) In regulation 43—

(a) in paragraph (8), for “retained EU” substitute “assimilated”,

(b) in paragraph (10), for “retained EU” substitute “assimilated”.

### **The Utilities Contracts (Scotland) Regulations 2016**

**30.**—(1) The Utilities Contracts (Scotland) Regulations 2016(e) are amended as follows.

(2) In regulation 58—

(a) in paragraph (8), for “retained EU” substitute “assimilated”,

(b) in paragraph (10), for “retained EU” substitute “assimilated”.

### **The Procurement (Scotland) Regulations 2016**

**31.** In regulation 11(8) of the Procurement (Scotland) Regulations 2016(f), for “retained EU” substitute “assimilated”.

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(a) S.S.I. 2013/266, relevantly amended by S.S.I. 2022/373.

(b) S.S.I. 2015/181, relevantly amended by S.S.I. 2019/80.

(c) S.S.I. 2015/320, relevantly amended by S.S.I. 2019/24.

(d) S.S.I. 2015/446, relevantly amended by S.S.I. 2020/468.

(e) S.S.I. 2016/49, relevantly amended by S.S.I. 2020/468.

(f) S.S.I. 2016/145, relevantly amended by S.S.I. 2020/468.

### **The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017**

**32.**—(1) The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017(**a**) are amended as follows.

- (2) In regulation 30(2)(b), for “retained EU” substitute “assimilated”.
- (3) In regulation 60(6A)(h)(ii), for “retained EU” substitute “assimilated”.
- (4) In schedule 3, paragraph 2(c)(vi), for “retained EU” substitute “assimilated”.
- (5) In schedule 4, paragraph 8, for “retained EU” substitute “assimilated”.

### **The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017**

**33.**—(1) The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017(**b**) are amended as follows.

- (2) In regulation 2(1), in the definition of “Union legislation”, for “retained EU” substitute “assimilated”.
- (3) In schedule 3, paragraph 6, for “retained EU” substitute “assimilated”.
- (4) In schedule 3, paragraph 9, for “retained EU” substitute “assimilated”.

### **The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

**34.**—(1) The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017(**c**) are amended as follows.

- (2) In regulation 24(2)(b), for “retained EU” substitute “assimilated”.
- (3) In schedule 3, paragraph 2(c)(vi), for “retained EU” substitute “assimilated”.
- (4) In schedule 4, paragraph 6, for “retained EU” substitute “assimilated”.
- (5) In schedule 4, paragraph 9, for “retained EU” substitute “assimilated”.

### **The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019**

**35.**—(1) The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(**d**) are amended as follows.

- (2) In regulation 21(3), in the definition of “plant health derogation”, for “retained EU” substitute “assimilated”.
- (3) In regulation 37(1)(g), for “retained direct EU” substitute “assimilated direct”.
- (4) In regulation 42(2)(b), in both places it occurs, for “retained EU” substitute “assimilated”.
- (5) In schedule 3, in the heading, for “retained direct EU” substitute “assimilated”.

### **The Environmental Authorisations (Scotland) Regulations 2018**

**36.**—(1) The Environmental Authorisations (Scotland) Regulations 2018(**e**) are amended as follows.

- (2) In regulation 2(1)—
  - (a) before the definition of “authorise”, insert—

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(a) S.S.I. 2017/102, relevantly amended by S.S.I. 2019/80.  
(b) S.S.I. 2017/113, relevantly amended by S.S.I. 2019/130.  
(c) S.S.I. 2017/115, relevantly amended by S.S.I. 2019/55.  
(d) S.S.I. 2019/421, relevantly amended by S.S.I. 2020/466.  
(e) S.S.I. 2018/219, relevantly amended by S.S.I. 2019/26.

““assimilated law” has the same meaning as in section 6(7) of the European Union (Withdrawal) Act 2018”,

(b) omit the definition of “retained EU law”.

(3) In regulation 37(2), for “retained EU” substitute “assimilated”.

#### **The Foods for Specific Groups (Infant Formula and Follow-on Formula) (Scotland) Regulations 2020**

**37.** In paragraph 11(3)(a) of schedule 4 of the Foods for Specific Groups (Infant Formula and Follow-on Formula) (Scotland) Regulations 2020(a), for “Retained EU” substitute “assimilated”.

#### **The Social Security Co-ordination (EU Exit) (Scotland) (Amendments etc.) Regulations 2020**

**38.**—(1) The Social Security Co-ordination (EU Exit) (Scotland) (Amendments etc.) Regulations 2020(b) are amended as follows.

(2) In regulation 6(1), for “RDEUL” substitute “assimilated direct legislation”.

(3) In regulation 6(2), for “RDEUL” substitute “assimilated direct legislation”.

(4) In regulation 6(4)—

(a) for “RDEUL” substitute “assimilated direct legislation”,

(b) for “retained direct EU” substitute “assimilated direct”.

(5) In the heading before regulation 7, for “retained direct EU” substitute “assimilated direct”.

(6) In regulation 7, for “retained direct EU” substitute “assimilated direct”.

#### **The Education (Fees) (Scotland) Regulations 2022**

**39.** In regulation 2(1) of the Education (Fees) (Scotland) Regulations 2022(c), in the definition of “EEA agreement”, for “retained direct EU” substitute “assimilated direct”.

#### **The Student Support (Scotland) Regulations 2022**

**40.** In regulation 2(1) of the Student Support (Scotland) Regulations 2022(d), in the definition of “EEA agreement”, for “retained direct EU” substitute “assimilated direct”.

#### **The Feed Additives (Authorisations) (Scotland) Regulations 2022**

**41.**—(1) The Feed Additives (Authorisations) (Scotland) Regulations 2022(e) are amended as follows.

(2) In regulation 9(1), for “retained direct EU” substitute “assimilated direct”.

(3) In regulation 11, for “retained direct EU” substitute “assimilated direct”.

(4) In the table set out in schedule 11, in the entry for “Analytical methods”, omit “retained”.

(5) In schedule 12, in the heading, for “retained direct” substitute “assimilated direct”.

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(a) S.S.I. 2020/6, relevantly amended by S.S.I. 2021/123.

(b) S.S.I. 2020/399.

(c) S.S.I. 2022/156.

(d) S.S.I. 2022/157.

(e) S.S.I. 2022/288.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments to domestic legislation in consequence of the renaming of retained EU law (and related terms) as assimilated law (and related terms) as set out in section 5(1) of the Retained EU Law (Revocation and Reform) Act 2023.

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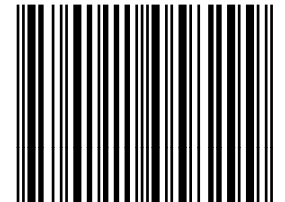




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