

2019 No. 175

EXITING THE EUROPEAN UNION

ANIMALS

ENVIRONMENTAL PROTECTION

WASTE

WATER

**The Environment (EU Exit) (Miscellaneous Amendments)
(Scotland) Regulations 2019**

Made - - - - *16th May 2019*

Laid before the Scottish Parliament *20th May 2019*

Coming into force in accordance with regulation 1(1)

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a), paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018(b) and all other powers enabling them to do so.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environment (EU Exit) (Miscellaneous Amendments) (Scotland) Regulations 2019 and come into force as follows—

- (a) as regards this Part and Part 2, on 1 July 2019,
- (b) as regards Part 3, on exit day.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c.16), section 1 from exit day (see section 20 of that Act). The powers in section 2(2) are exercised in relation to Part 2 of these Regulations.

(b) 2018 c.16. The powers in paragraph 1(1) and (3) of schedule 2 are exercised in relation to Part 3 of these Regulations.

(2) These Regulations extend to Scotland only.

PART 2

Amendments made under section 2(2) of the European Communities Act 1972

The Urban Waste Water Treatment (Scotland) Regulations 1994

2. In regulation 2(1) (interpretation) of the Urban Waste Water Treatment (Scotland) Regulations 1994(a), in the definition of “the Directive”, after “last” insert “relevantly”.

The Special Waste Regulations 1996

3. In regulation 6(2)(c) (consignment notes: cases in which pre-notification is not required) of the Special Waste Regulations 1996(b), after “schedule 4” in both places it occurs insert “of the 2011 Regulations”.

The End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003

4. In regulation 2 (interpretation) of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003(c), in paragraph (a) of the definition of “vehicle”, after “last” insert “relevantly”.

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

5. In paragraph 2(c)(ii) of the schedule (register) of the Water Environment (Register of Protected Areas) (Scotland) Regulations 2004(d), after “last” insert “relevantly”.

The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006

6. In regulation 23(1)(d) (marking of cattle passports) of the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006(e), after “last” insert “relevantly”.

The Welfare of Farmed Animals (Scotland) Regulations 2010

7. In paragraph 1 (interpretation) of schedule 2 (additional conditions that apply to the keeping of conventionally reared meat chickens) of the Welfare of Farmed Animals (Scotland) Regulations 2010(f), in the definitions of—

- (a) “Regulation 853/2004”,
- (b) “Regulation 854/2004”,

in each case, after “last” insert “relevantly”.

(a) S.I. 1994/2842, relevantly amended by S.S.I. 2018/391.
(b) S.I. 1996/972, relevantly amended by S.S.I. 2018/391.
(c) S.S.I. 2003/593, relevantly amended by S.S.I. 2018/391.
(d) S.S.I. 2004/516, relevantly amended by S.S.I. 2018/391.
(e) S.S.I. 2006/45, relevantly amended by S.S.I. 2018/391.
(f) S.S.I. 2010/388, relevantly amended by S.S.I. 2018/391.

PART 3

Amendment of secondary legislation relating to withdrawal from the European Union

The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019

8.—(1) The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019(a) are amended as follows.

(2) In regulation 2(6) (new schedule 5 to be inserted into the Water Environment and Water Services (Scotland) Act 2003), in paragraph 19 of schedule 5 of the inserted text, for “are” substitute “is”.

(3) In regulation 3(2) (new paragraph (3) to be inserted into regulation 2 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011)—

- (a) in paragraph (3)(a) of the inserted text, after “is” insert “to”,
- (b) in paragraph (3)(b) of the inserted text—
 - (i) after “is” insert “to”,
 - (ii) after “interpreted” insert “in”.

(4) In regulation 13 (amendment of the Pollution Prevention and Control (Scotland) Regulations 2012)—

- (a) in paragraph (4)(a)—
 - (i) in paragraph (j)(v) of the inserted definition of “Chapter III combustion plant”, omit “other than wood”,
 - (ii) in paragraph (b)(v) of the inserted definition of “Chapter IV plant”, omit “other than wood”,
- (b) in paragraph (24)(a)(ii), in paragraph 3(a) of the inserted text, omit “law”.

(5) In regulation 14(2) (amendment of the Sulphur Content of Liquid Fuels (Scotland) Regulations 2014), in paragraph (j)(v) of the inserted definition of “Chapter III combustion plant”, omit “other than wood”.

ROSEANNA CUNNINGHAM
A member of the Scottish Government

St Andrew’s House,
Edinburgh
16th May 2019

(a) S.S.I. 2019/26.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018.

Regulation 2 makes minor corrections to the Urban Waste Water Treatment (Scotland) Regulations 1994.

Regulation 3 makes minor corrections to the Special Waste Regulations 1996.

Regulation 4 makes minor corrections to the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003.

Regulation 5 makes minor corrections to the Water Environment (Register of Protected Areas) (Scotland) Regulations 2004.

Regulation 6 makes minor corrections to the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006.

Regulation 7 makes minor corrections to the Welfare of Farmed Animals (Scotland) Regulations 2010.

Regulation 8 makes minor corrections to the Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019.

No Business and Regulatory Impact Assessment has been prepared in relation to these Regulations, as no impact upon business, charities or voluntary bodies is foreseen.

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