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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 141 (C. 11)**

**CONSTITUTIONAL LAW  
EXITING THE EUROPEAN UNION  
ENVIRONMENTAL PROTECTION**

**The UK Withdrawal from the European Union (Continuity)  
(Scotland) Act 2021 (Commencement No. 1) Regulations 2021**

|  |         |                        |
|--|---------|------------------------|
| <i>Made</i>                                    | - - - - | <i>15th March 2021</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>17th March 2021</i> |
| <i>Coming into force</i>                       | - -     | <i>29th March 2021</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 51(2) and 51(3)(b) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021(1).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (Commencement No. 1) Regulations 2021 and come into force on 29 March 2021.

(2) In these Regulations “the Act” means the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.

**Appointed day**

2.—(1) 29 March 2021 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the schedule (the subject matter of which is described in column 2).

(2) If a purpose is specified in column 3 of the schedule in relation to any provision specified in column 1, that provision comes into force for that purpose only.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
15th March 2021

*MICHAEL RUSSELL*  
A member of the Scottish Government

## SCHEDULE

Regulation 2

## Provisions of the Act coming into force on 29 March 2021

| <i>Column 1</i>              | <i>Column 2</i>  | <i>Column 3</i>   |
|------------------------------|--|---|
| <i>Provisions of the Act</i> | <i>Subject matter</i>  | <i>Purpose</i>  |
| Part 1                       | Alignment with EU law  |   |
| Section 13                   | The guiding principles on the environment                            |   |
| Section 15                   | Other authorities' duty to have due regard to the guiding principles | For the purpose of enabling consultation by the Scottish Ministers under section 18(3)(b) |
| Section 18                   | Procedure for publication of guidance                                |   |
| Section 47                   | Environmental policy strategy  |   |

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

These Regulations bring into force certain provisions of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (“the Act”) on 29 March 2021.

Regulation 2 brings Part 1 and sections 13, 18 and 47 fully into force, and section 15 for the limited purpose specified.

Part 1 of the Act provides for a power to enable the Scottish Ministers to align devolved law with EU law so far as appropriate following the end of the implementation period provided for in the European Union (Withdrawal Agreement) Act 2020, which was when EU law ceased to apply in the United Kingdom as a consequence of the UK’s withdrawal from the EU.

Section 13 establishes in domestic law guiding principles on the environment. Section 18 sets out the procedure for the publication of guidance on those guiding principles, including requirements on the Scottish Ministers to consult on the guidance and lay it before the Scottish Parliament prior to publication.

Section 15 provides that where public authorities are responsible authorities in terms of the Environmental Assessment (Scotland) Act 2005 (“the 2005 Act”), they must have due regard to the guiding principles on the environment when doing anything in respect of which the duty under section 1 of the 2005 Act (to carry out an environmental assessment) applies. Section 15 is brought into force only to enable the Scottish Ministers to consult with each responsible authority which is subject to the duty under section 15, in accordance with section 18(3)(b). Accordingly, responsible authorities need not have due regard to the guiding principles when doing anything in respect of which the duty under section 1 of the 2005 Act applies until section 15 is brought fully into force at a later date.

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Section 47 requires the Scottish Ministers to prepare and publish an environmental policy strategy. The Bill for the 2021 Act received Royal Assent on 29 January 2021. In accordance with section 51(1) of that Act, sections 48 to 53 came into force the following day.