

This Statutory Instrument has been made to correct errors in S.I. 2019/25, 2019/188 and 2019/620, and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2019 No. 1078

**EXITING THE EUROPEAN UNION
AGRICULTURE, ENGLAND
ENVIRONMENTAL PROTECTION
LICENSING (MARINE)
MARINE MANAGEMENT
WASTE**

The Environment and Rural Affairs
(Amendment) (EU Exit) Regulations 2019

<i>Sift requirements satisfied</i>	<i>18th June 2019</i>
<i>Made - - - -</i>	<i>2nd July 2019</i>
<i>Laid before Parliament</i>	<i>3rd July 2019</i>
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these regulations) have been satisfied.

Citation and commencement

1. These Regulations may be cited as the Environment and Rural Affairs (Amendment) (EU Exit) Regulations 2019 and come into force immediately before exit day.

Amendment of the Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019

2. In regulations 5(2)(a)(ii) and 6(2)(b) of the Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019(2), in the inserted definition of “public”, for the words from “law” to “practice” substitute “law or practice of any part of the United Kingdom”.

Amendment of the Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019

3. In the Schedule to the Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019(3), in the inserted text of Schedule 1A, in paragraph 14(4)(f)—

- (a) in the substituted point (m), after “regulation 2(1)” insert “or 69(1)”;
- (b) in the substituted point (n), after “regulation 2(1)” insert “or 137”;
- (c) in the substituted point (o), after “regulation 2(1) of” insert “, or the meaning determined in accordance with Schedule 9 to,”.

Amendment of the Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019

4.—(1) The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019(4) are amended as follows.

(2) For regulation 9(10) substitute—

“(10) In regulation 33—

- (a) in paragraphs (a) and (b), for “another” substitute “an”;
- (b) for the words after paragraph (b), substitute—

“and containing at least the information listed in Schedule 3 has legal effect, and all rights, powers, liabilities, obligations and restrictions arising out of or incidental to such certificates or their issue shall be recognised and available in law, and be enforced, allowed and followed accordingly.”.

(3) Omit regulations 13(3) and 14(2)(b).

(4) In regulation 16—

(a) in paragraph (3), in the inserted text of regulation 3D(8)(b), for paragraph (i) substitute—

“(i) for “Community as a whole to become” there were substituted “United Kingdom as a whole to move towards becoming”;

(b) in paragraph (6), before sub-paragraph (a) insert—

“(za) in Part 1, in paragraph 4—

- (i) in sub-paragraph (1), omit “, taking into account best available techniques”;
- (ii) in sub-paragraph (2)—

(aa) for “European Union as a whole to become” substitute “United Kingdom as a whole to move towards becoming”;

(bb) omit “and to enable the United Kingdom to move towards that aim”;

(5) In regulation 18(25)(c), in the inserted text, omit paragraph 26(c)(vi).

(2) [S.I. 2019/25](#).

(3) [S.I. 2019/39](#), to which there are amendments not relevant to these Regulations.

(4) [S.I. 2019/188](#).

Amendment of the Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019

5. In regulation 17(3) of the Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019⁽⁵⁾, in the inserted text of Article 1B(8)(b), for point (i) substitute—

“(i) for “Community as a whole to become” there were substituted “United Kingdom as a whole to move towards becoming”.”.

2nd July 2019

Thérèse Coffey
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (d) and (g)) arising from the withdrawal of the UK from the European Union.

Regulation 2 corrects two errors in the Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/25).

Regulation 3 makes amendments to the Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/39) as a result of amendments made to the Medical Devices Regulations 2002 (S.I. 2002/618) by the Medical Devices (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/791). It updates the definitions of “medical device”, “in vitro diagnostic medical device” and “active implantable medical device” which are part of new Schedule 1A to the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154).

Regulation 4 amends the Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/188). Paragraph (2) inserts two additional amendments into regulation 33 of the End-of-Life Vehicles Regulations 2003 (S.I. 2003/2635). Paragraphs (3), (4)(a) and (5) correct four errors. Paragraph (4)(b) inserts an additional amendment into paragraph 4 of Part 1 of Schedule 1 to the Waste (England and Wales) Regulations 2011 (S.I. 2011/988).

Regulation 5 corrects an error in the Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/620).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.