
STATUTORY INSTRUMENTS

2019 No. 1350

**The Environment (Legislative Functions
from Directives) (EU Exit) Regulations 2019**

PART 2

Air quality

CHAPTER 6

Retention of functions from Directive 2016/2284/EU

Power to specify detailed rules for the purposes of derogations and the format of the national air pollution control programmes

- 12.**—(1) The Secretary of State may, by regulations, make provision for or in connection with—
- (a) the preparation of an adjusted inventory of emissions in accordance with regulation 4(1) of the National Emission Ceilings Regulations 2018 ^{M1};
 - (b) exercising a derogation described in regulation 8(2), (3) or (4) of those Regulations;
 - (c) establishing the format of a national air pollution control programme to be prepared or revised in accordance with regulation 9 of those Regulations.
- (2) The provision which may be made under paragraph (1) includes provision specifying—
- (a) methods to be employed;
 - (b) factors to be taken into account;
 - (c) requirements for how any information is to be published or otherwise dealt with.
- (3) Regulations under paragraph (1) may amend any enactment.

Commencement Information

- II** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M1** [S.I. 2018/129](#).

Power to update in light of scientific and technical progress

- 13.**—(1) The Secretary of State may, by regulations—
- (a) amend any enactment which makes provision corresponding to a relevant provision of Directive 2016/2284/EU;

- (b) make provision requiring (whether by amending an enactment, or otherwise) a reference to a relevant provision of Directive 2016/2284/EU (or a reference encompassing a relevant provision) to be read as a reference to that provision with modifications.
- (2) But the Secretary of State may only make regulations under paragraph (1)—
 - (a) to the extent that the Secretary of State considers that it is appropriate to do so as a result of scientific and technical progress;
 - (b) if doing so is consistent with the framework of the 1979 UNECE Convention on Long-Range Transboundary Air Pollution^{M2}.
- (3) The relevant provisions of Directive 2016/2284/EU are—
 - (a) Annex 1 (monitoring and reporting of atmospheric pollutants);
 - (b) Part 2 of Annex 3 (emission reduction measures);
 - (c) Annex 4 (preparation of inventories, reports and adjusted inventories);
 - (d) Annex 5 (optional indicators for monitoring air pollution impacts).

Commencement Information

- I2** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Marginal Citations

- M2** The Convention can be obtained or viewed at the Department for Environment, Food and Rural Affairs, 2 Marsham Street, London SW1P 4DF or accessed at <https://www.unece.org/fileadmin/DAM/env/lrtap/full%20text/1979.CLRTAP.e.pdf>

Procedure for regulations under Chapter 6

- 14.—**(1) The Secretary of State may not make regulations under this Chapter without the consent of—
- (a) in relation to Wales, the Welsh Ministers;
 - (b) in relation to Scotland, the Scottish Ministers;
 - (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
- (2) Where any of the parties mentioned in paragraph (1)(a) to (c) requests that the Secretary of State make regulations under Chapter 6, the Secretary of State must have regard to that request.

Commencement Information

- I3** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019, CHAPTER 6.