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## STATUTORY INSTRUMENTS

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### 2019 No. 25

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

### **Amendments to the Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006**

5.—(1) The Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006<sup>M1</sup> are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) for the definition of “EU environmental assessment” substitute—

““EU environmental assessment” means an assessment of the effect of anything on the environment carried out under retained EU law other than any law of any part of the United Kingdom that implemented the EIA Directive;”;

(ii) after the definition of “project” insert—

““public” means one or more natural or legal persons and, in accordance with the [F1law or practice of any part of the United Kingdom], their associations, organisations or groups;

“public concerned” means the public affected or likely to be affected by, or having an interest in, environmental decision making procedures (for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under the law of any part of the United Kingdom are deemed to have an interest);”;

(b) omit paragraph (2).

(3) In regulation 3B(1)(d), for “another” substitute “an”.

(4) In regulation 12(5)(e)—

(a) omit the word “other”;

(b) for “referred to in Article 6(1) of the EIA Directive” substitute “designated by the EEA State concerned”.

(5) In regulation 14—

(a) in the heading, for “another” substitute “an”;

(b) in paragraph (1), for “another” substitute “an”;

(c) in paragraph (5)(a), for “referred to in Article 6(1) of the EIA Directive” substitute “which the EEA State designated to be consulted about the project”;

(d) in paragraph (6), omit “In accordance with Article 7(4) of the EIA Directive,”.

(6) In regulation 15—

(a) in the heading, for “another” substitute “an”;

(b) in paragraph (1)—

- (i) for “another” substitute “ an ”;
- (ii) after the words “EEA State”, in the first place they occur, omit the words until the end of the closing bracket;
- (iii) in sub-paragraph (b), after “competent authority in the EEA State” insert “ which the State designated as responsible for performing the duties arising from the EIA Directive ”;
- (c) in paragraph (2), omit “In accordance with Article 7(4) of the EIA Directive,”;
- (d) in paragraph (3)—
  - (i) for “another” substitute “ an ”;
  - (ii) omit “in accordance with Article 9(2) of the EIA Directive”.
- (7) In regulation 15A(2)(b), after the word “under” insert “ any law of any part of the United Kingdom that implemented ”;
- (8) In regulation 16(4)(c), for “another” substitute “ an ”.
- (9) In regulation 17(5)(b), for “European Commission” substitute “ Secretary of State ”;
- (10) In Schedule 2, in paragraph 2(c)(vi), after “EU legislation” insert “ as it applied in the United Kingdom immediately prior to exit day, or in retained EU law ”.
- (11) In Schedule 3—
  - (a) in paragraph 6, for “at EU or member State level” substitute “ in retained EU law or under the law of any part of the United Kingdom ”;
  - (b) in paragraph 9—
    - (i) for “EU legislation such as” substitute “ retained EU law such as any law that implemented ”;
    - (ii) after “requirements of” insert “ any law that implemented ”.

#### Textual Amendments

- F1** Words in reg. 5(2)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Environment and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1078\)](#), regs. 1, 2; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

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

#### Marginal Citations

- M1** [S.I. 2006/2522](#), amended by [S.I. 2017/593](#); there are other amending instruments but none is relevant.

**Changes to legislation:**

There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019, Section 5.