



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 370 (Cy. 91)

2019 No. 370 (W. 91)

**YMADAEL Â'R UNDEB
EWROPEAIDD**

**EXITING THE EUROPEAN
UNION**

**PYSGODFEYDD MÔR,
CYMRU**

SEA FISHERIES, WALES

RHEOLI MOROL, CYMRU

**MARINE MANAGEMENT,
WALES**

Rheoliadau Pysgodfeydd a Rheoli
Morol (Diwygio) (Cymru)
(Ymadael â'r UE) 2019

The Fisheries and Marine
Management (Amendment) (Wales)
(EU Exit) Regulations 2019

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn diwygio is-ddeddfwriaeth, sy'n gymwys o ran Cymru a pharth Cymru, ym meysydd pysgodfeydd a rheoli morol.

Mae i ddiwygiad a wneir gan y Rheoliadau hyn yr un cymhwysiad â'r deddfiad sy'n cael ei ddiwygio.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation, which apply in relation to Wales and the Welsh zone, in the fields of fisheries and marine management.

An amendment made by these Regulations has the same application as the enactment amended.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2019 Rhif 370 (Cy. 91)

**YMADAEL Â'R UNDEB
EWROPEAIDD**

**PYSGODFEYDD MÔR,
CYMRU**

RHEOLI MOROL, CYMRU

Rheoliadau Pysgodfeydd a Rheoli
Morol (Diwygio) (Cymru)
(Ymadael â'r UE) 2019

Gofynion sifftio wedi eu bodloni 18 Chwefror 2019

Gwnaed 25 Chwefror 2019

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru 27
Chwefror 2019

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(1), yn gwneud y Rheoliadau a ganlyn.

Mae gofynion paragraff 4(2) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (sy'n ymwneud â gweithdrefn briodol y Cynulliad ar gyfer y Rheoliadau hyn) wedi eu bodloni.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Pysgodfeydd a Rheoli Morol (Diwygio) (Cymru) (Ymadael â'r UE) 2019.

(1) 2018 p. 16.

2019 No. 370 (W. 91)

**EXITING THE EUROPEAN
UNION**

SEA FISHERIES, WALES

**MARINE MANAGEMENT,
WALES**

The Fisheries and Marine
Management (Amendment) (Wales)
(EU Exit) Regulations 2019

Sift requirements satisfied 18 February 2019

Made 25 February 2019

Laid before the National Assembly for Wales
27 February 2019

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(1), make the following Regulations.

The requirements of paragraph 4(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Assembly procedure for these Regulations) have been satisfied.

Title, commencement and application

1.—(1) The title of these Regulations is the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019.

(1) 2018 c.16.

(2) Daw'r Rheoliadau hyn i rym ar y diwrnod ymadael.

(3) Mae i ddiwygiad a wneir gan y Rheoliadau hyn yr un cymhwysiad â'r deddfiad sy'n cael ei ddiwygio.

Rheoliadau Cofrestru Prynwyr a Gwerthwyr Pysgod a Dynodi Safleoedd Arwerthu Pysgod (Cymru) 2006

2. Yn rheoliad 2(1) o Rheoliadau Cofrestru Prynwyr a Gwerthwyr Pysgod a Dynodi Safleoedd Arwerthu Pysgod (Cymru) 2006(1), yn y diffiniad o "cwch pysgota trwyddedig", hepgorer "gan Aelod-Wladwriaeth arall neu".

Gorchymyn Trwyddedu Morol (Gweithgareddau Esempt) (Cymru) 2011

3.—(1) Mae Gorchymyn Trwyddedu Morol (Gweithgareddau Esempt) (Cymru) 2011(2) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl erthygl 3, mewnosoder—

“3A Addasu'r Gyfarwyddeb Fframwaith Gwastraff

(1) At ddbenion y Gorchymyn hwn, mae'r Gyfarwyddeb Fframwaith Gwastraff i'w darllen yn unol â'r erthygl hon.

(2) Mae cyfeiriad at un Aelod-wladwriaeth neu ragor mewn darpariaeth sy'n gosod rhwymedigaeth ar Aelod-wladwriaeth neu Aelod-wladwriaethau, neu sy'n rhoi disgrisiwn iddi neu iddynt, i'w ddarllen fel cyfeiriad at yr awdurdod priodol neu'r awdurdod lleol a oedd, yn union cyn y diwrnod ymadael, yn gyfrifol am gydymffurfedd y Deyrnas Unedig â'r rhwymedigaeth honno neu a oedd yn gallu arfer y disgrisiwn hwnnw o ran Cymru.

(3) Mae Erthygl 2 i'w darllen fel pe bai—

(a) ym mharagraff 2—

(i) yn y geiriau yn union cyn pwynt (a), "retained EU law" wedi ei roi yn lle "other Community legislation";

(ii) ym mhwyntiau (b) ac (c), "Regulation (EC) No 1069/2009" wedi ei roi yn lle "Regulation (EC) No 1774/2002";

(2) These Regulations come into force on exit day.

(3) An amendment made by these Regulations has the same application as the enactment amended.

The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006

2. In the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006(1), in regulation 2(1), in the definition of "licensed fishing vessel", omit "by another Member State or".

The Marine Licensing (Exempted Activities) (Wales) Order 2011

3.—(1) The Marine Licensing (Exempted Activities) (Wales) Order 2011(2) is amended as follows.

(2) After article 3, insert—

“3A Modification of the Waste Framework Directive

(1) For the purposes of this Order, the Waste Framework Directive is to be read in accordance with this article.

(2) A reference to one or more Member States in a provision imposing an obligation or conferring a discretion on a Member State or Member States is to be read as a reference to the appropriate authority or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of Wales.

(3) Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words immediately before point (a), for "other Community legislation" there were substituted "retained EU law";

(ii) in points (b) and (c), for "Regulation (EC) No 1774/2002" there were substituted "Regulation (EC) No 1069/2009";

(1) O.S. 2006/1495 (Cy. 145) fel y'i diwygiwyd gan O.S. 2018/1095 (Cy. 228).

(2) O.S. 2011/559 (Cy. 81) fel y'i diwygiwyd gan O.S. 2013/414 (Cy. 50), O.S. 2013/755 (Cy. 90), O.S. 2016/690 (Cy. 188), O.S. 2017/1012, O.S. 2017/1013, O.S. 2018/724 (Cy. 141), a chan Ddeddf Cymru 2017 (p. 4).

(1) S.I. 2006/1495 (W. 145) as amended by S.I. 2018/1095 (W. 228).

(2) S.I. 2011/559 (W. 81) as amended by S.I. 2013/414 (W. 50), S.I. 2013/755 (W. 90), S.I. 2016/690 (W. 188), S.I. 2017/1012, S.I. 2017/1013, S.I. 2018/724 (W. 141), and by the Wales Act 2017 (c. 4).

- (iii) ym mhwynt (d), “the Mining Waste Directive” wedi ei roi yn lle’r geiriau o “Directive 2006/21/EC(1)” hyd at y diwedd;
- (b) ym mharagraff 3, y geiriau o “Without prejudice” hyd at “Community legislation” wedi eu hepgor;
- (c) paragraff 4 wedi ei hepgor.
- (4) Mae Erthygl 5 i’w darllen fel pe bai paragraff 2 wedi ei hepgor.
- (5) Mae Erthygl 6 i’w darllen fel pe bai—
 - (a) paragraffau 1 i 3 wedi eu hepgor;
 - (b) ym mharagraff 4—
 - (i) yn y frawddeg gyntaf, “Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013” wedi ei roi yn lle’r geiriau o “Where criteria” hyd at “paragraphs 1 and 2”;
 - (ii) yr ail frawddeg wedi ei hepgor.
- (6) Mae Erthygl 7 i’w darllen fel pe bai—
 - (a) ym mharagraff 1—
 - (i) y frawddeg gyntaf a’r ail frawddeg wedi eu hepgor;
 - (ii) yn y drydedd frawddeg, “shall, subject to paragraph 1A, be binding” wedi ei roi yn lle “shall be binding”;
 - (b) ar ôl paragraff 1, y canlynol wedi ei fewnosod—

“1A. Paragraph 1 is subject to—

 - (a) a determination by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005(2) that a specific batch of waste is to be treated as hazardous waste;
 - (b) a decision made by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005(1) that a specific batch of waste is to be treated as non-hazardous waste;

- (iii) in point (d), for the words from “Directive 2006/21/EC(1)” to the end there were substituted “the Mining Waste Directive”;
- (b) in paragraph 3, the words from “Without prejudice” to “Community legislation” were omitted;
- (c) paragraph 4 were omitted.
- (4) Article 5 is to be read as if paragraph 2 were omitted.
- (5) Article 6 is to be read as if—
 - (a) paragraphs 1 to 3 were omitted;
 - (b) in paragraph 4—
 - (i) in the first sentence, for the words from “Where criteria” to “paragraphs 1 and 2” there were substituted “Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013”;
 - (ii) the second sentence were omitted.
- (6) Article 7 is to be read as if—
 - (a) in paragraph 1—
 - (i) the first and second sentences were omitted;
 - (ii) in the third sentence, for “shall be binding” there were substituted “shall, subject to paragraph 1A, be binding”;
 - (b) after paragraph 1, there were inserted—

“1A. Paragraph 1 is subject to—

 - (a) a determination by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005(2) that a specific batch of waste is to be treated as hazardous waste;
 - (b) a decision made by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005(1) that a specific batch of waste is to be treated as non-hazardous waste;

(1) OJ Rhif L 102, 11.4.2006, t. 15, fel y’i diwygiwyd gan Reoliad (EC) Rhif 596/2009 Senedd Ewrop a’r Cyngor (OJ Rhif L 188, 18.7.2009, t. 14).
 (2) O.S. 2005/1806 (Cy. 183).

(1) OJ No L 102, 11.4.2006, p 15, as amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p 14).
 (2) S.I. 2005/1806 (W. 183).

- (c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;
- (d) regulations (if any) made by the Welsh Ministers under section 62A(2) of the Environmental Protection Act 1990(2) (lists of waste displaying hazardous properties).”;

- (c) paragraffau 2, 3 a 5 wedi eu hepgor;
- (d) ar ôl paragraff 6, y canlynol wedi ei fewnosod—

“6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;

- (e) paragraff 7 wedi ei hepgor.

(7) Mae Erthygl 23 i’w darllen fel pe bai—

- (a) cyfeiriad at y “competent authority” yn gyfeiriad at yr “appropriate authority”;

- (b) ym mharagraff 5, “or Community” wedi ei hepgor.

(8) Mae Atodiad 3 i’w ddarllen fel pe bai, yng nghofnod HP 9, yn yr ail frawddeg, “in the Member States” wedi ei hepgor.

(9) Wrth ddarllen y Gyfarwyddeb Fframwaith Gwastraff yn unol â’r erthygl hon—

- (a) ystyr “awdurdod priodol” (“*appropriate authority*”) yw Gweinidogion Cymru neu Gorff Adnoddau Naturiol Cymru;

- (b) ystyr “awdurdod lleol” (“*local authority*”) yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru.

3B Ystyr “y Gyfarwyddeb Gwastraff Mwyngloddio”

(1) Wrth ddarllen Erthygl 2 o’r Gyfarwyddeb Fframwaith Gwastraff yn unol ag erthygl 3A, ystyr y cyfeiriad at “the Mining Waste Directive” (fel y’i mewnosodir gan erthygl 3A(3)(a)(iii)) yw Cyfarwyddeb 2006/21/EC Senedd Ewrop a’r Cyngor ar reoli gwastraff o ddiwydiannau echdynnol, y’i darllenir yn unol â pharagraffau (2) i (4).

- (c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;
- (d) regulations (if any) made by the Welsh Ministers under section 62A(2) of the Environmental Protection Act 1990(2) (lists of waste displaying hazardous properties).”;

- (c) paragraphs 2, 3 and 5 were omitted;
- (d) after paragraph 6, there were inserted—

“6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;

- (e) paragraph 7 were omitted.

(7) Article 23 is to be read as if—

- (a) a reference to the “competent authority” were a reference to the “appropriate authority”;

- (b) in paragraph 5, “or Community” were omitted.

(8) Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.

(9) In reading the Waste Framework Directive in accordance with this article—

- (a) “appropriate authority” (“*awdurdod priodol*”) means the Welsh Ministers or the Natural Resources Body for Wales;

- (b) “local authority” (“*awdurdod lleol*”) means a county council or county borough council in Wales.

3B Meaning of “Mining Waste Directive”

(1) In reading Article 2 of the Waste Framework Directive in accordance with article 3A, the reference to “the Mining Waste Directive” (as inserted by article 3A(3)(a)(iii)) means Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with paragraphs (2) to (4).

(1) O.S. 2005/894.
(2) 1990 p. 43.

(1) S.I. 2005/894.
(2) 1990 c. 43.

(2) Mae Erthygl 2 i'w darllen fel pe bai—

(a) ym mharagraff 2(c), y cyfeiriad at Erthygl 11(3)(j) o Gyfarwyddeb 2000/60/EC(1) yn gyfeiriad at yr Erthygl honno, y'i darllenir yn unol â pharagraff (4) o'r erthygl hon;

(b) paragraffau 3 a 4 wedi eu hepgor.

(3) Mae Erthygl 3(1) i'w darllen fel pe bai "Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive" wedi ei roi yn lle "Article 1(a) of Directive 75/442/EEC".

(4) Wrth ddarllen y Gyfarwyddeb Gwastraff Mwyngloddio yn unol â'r erthygl hon, mae i'r cyfeiriad at y "Waste Framework Directive" (fel y'i mewnosodir gan baragraff (3)) yr ystyr a roddir gan erthygl 3 o'r Gorchymyn hwn, y'i darllenir yn unol ag erthygl 3A.

(5) At ddibenion paragraff (2), mae Erthygl 11(3)(j) o Gyfarwyddeb 2000/60/EC i'w darllen fel pe bai—

(a) y cyfeiriadau at "Member States" yn gyfeiriadau at "Weinidogion Cymru neu Gorff Adnoddau Naturiol Cymru";

(b) ar y diwedd, y canlynol wedi ei fewnosod—

"and "environmental objective", in relation to a river basin district (within the meaning of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017)(2), has the same meaning as in those Regulations."

(3) Yn erthygl 33(2)—

(a) yn is-baragraff (a), yn lle "(ac eithrio Gibraltar) nad yw'n Aelod-wladwriaeth; a" rhodder "ac eithrio'r Deyrnas Unedig";

(b) hepgorer is-baragraff (b).

(2) Article 2 is to be read as if—

(a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive 2000/60/EC(1) were a reference to that Article read in accordance with paragraph (4) of this article;

(b) paragraphs 3 and 4 were omitted.

(3) Article 3(1) is to be read as if, for "Article 1(a) of Directive 75/442/EEC" there were substituted "Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive".

(4) In reading the Mining Waste Directive in accordance with this article, the reference to the "Waste Framework Directive" (as inserted by paragraph (3)) has the meaning given by article 3 of this Order read in accordance with article 3A.

(5) For the purposes of paragraph (2), Article 11(3)(j) of Directive 2000/60/EC is to be read as if—

(a) the references to "Member States" were references to the "Welsh Ministers or the Natural Resources Body for Wales";

(b) at the end, there were inserted—

"and "environmental objective", in relation to a river basin district (within the meaning of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017)(2), has the same meaning as in those Regulations."

(3) In article 33(2)—

(a) in sub-paragraph (a), for "(other than Gibraltar) which is not a Member State; and" substitute "other than the United Kingdom";

(b) omit sub-paragraph (b).

(1) OJ Rhif L 327, 22.12.2000, t. 1, fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn 2014/101/EC (OJ Rhif L 311, 31.10.2014, t. 32).

(2) O.S. 2017/407, y gwnaed diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) OJ No L 327, 22.12.2000, p 1, as last amended by Commission Directive 2014/101/EU (OJ No L 311, 31.10.2014, p 32).

(2) S.I. 2017/407, to which there are amendments not relevant to these Regulations.

Rheoliadau Cronfa'r Môr a Physgodfeydd Ewrop (Grantiau) (Cymru) 2016

4.—(1) Mae Rheoliadau Cronfa'r Môr a Physgodfeydd Ewrop (Grantiau) (Cymru) 2016(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

(a) ym mharagraff (1)—

(i) yn y diffiniad o “gweithrediad a gymeradwywyd”, ar y diwedd, mewnosoder “(gweler paragraff 3)”;

(ii) yn y diffiniad o “person awdurdodedig”, hepgorer “, ac mae'n cynnwys unrhyw swyddog y Comisiwn a benodwyd yn briodol ac sy'n mynd gyda'r person awdurdodedig hwnnw”;

(iii) hepgorer y diffiniad o “y Comisiwn”;

(iv) hepgorer y diffiniad o “cymorth yr UE”;

(v) yn y diffiniad o “gweithrediad”, ym mharagraff (b), yn lle “cymorth yr UE” rhodder “cymorth yn unol â Rheoliad 508/2014”.

(b) ar ôl paragraff (2), mewnosoder—

“(3) Er mwyn osgoi amheuaeth, mae “gweithrediad a gymeradwywyd” yn cynnwys gweithrediad a gymeradwywyd mewn ysgrif gan Weinidogion Cymru i gael cymorth ariannol o dan reoliad 4 cyn y diwrnod ymadael.”

(3) Yn rheoliad 8(2)(d), yn lle “cymorth yr UE” rhodder “cymorth yn unol â Rheoliad 508/2014”.

(4) Yn rheoliad 11—

(a) hepgorer paragraff (1)(j)(i);

(b) hepgorer paragraff (3).

The European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016

4.—(1) The European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016(1) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) in the definition of “approved operation”, at the end, insert “(see paragraph 3)”;

(ii) in the definition of “authorised person”, omit “, and includes any duly appointed official of the Commission who accompanies such an authorised person”;

(iii) omit the definition of “the Commission”;

(iv) omit the definition of “EU assistance”;

(v) in the definition of “operation”, in paragraph (b), for “EU assistance” substitute “assistance pursuant to Regulation 508/2014”.

(b) after paragraph (2), insert—

“(3) For the avoidance of doubt, an “approved operation” includes an operation which the Welsh Ministers have approved in writing for the receipt of financial assistance under regulation 4 before exit day.”

(3) In regulation 8(2)(d), for “EU assistance” substitute “assistance pursuant to Regulation 508/2014”.

(4) In regulation 11—

(a) omit paragraph (1)(j)(i);

(b) omit paragraph (3).

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
25 Chwefror 2019

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Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
25 February 2019

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£6.90

W201902261017 03/2019

<http://www.legislation.gov.uk/id/wsi/2019/370>

ISBN 978-0-348-20365-3



9 780348 203653