

# Proposed Negative Statutory Instruments with Clear Reports

16 November 2020

## Pn(5)36 – The Environmental Assessments and Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

### Procedure: Proposed negative

The Environmental Assessments and Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (“the Regulations”) are being made using the power conferred by paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018 (“the 2018 Act”) in order to address failures of retained EU law to operate effectively arising from the withdrawal of the United Kingdom from the European Union, and are therefore required to be laid for sifting. In accordance with the requirements of the 2018 Act, the Minister has made the relevant statements as detailed in Part 2 of the Annex to the Explanatory Memorandum to these Regulations.

This Regulations make amendments to two statutory instruments:

- The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (“the first Brexit SI”).
- The Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (“the second Brexit SI”).

The first Brexit SI and the second Brexit SI made various amendments to legislation dealing with environmental impact assessment and town and country planning to ensure that the statute book remains operable following the UK’s exit from the EU, and addressed deficiencies in domestic legislation arising from EU Exit. The first Brexit SI also made minor amendments to existing legislation deriving from EU requirements.

The amendments made by these Regulations reflect the transition period in Article 127 of the Withdrawal Agreement. References to 31 January 2020, which currently read “exit day”, will be changed to “IP Completion Day” referring to 11pm on 31 December 2020.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A.

**Parent Act:** European Union (Withdrawal) Act 2018

**Sift Requirements Satisfied:** Yes



**We agree that the appropriate procedure for these Regulations is the negative resolution procedure.**

## **Pn(5)37 – The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Wales) (Amendment) (EU Exit) Regulations 2020**

### **Procedure: Proposed negative**

These Regulations amend the National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) Regulations 2004 (the Principal Regulations).

The Principal Regulations make provision as to the drugs, medicines or other substances that may be ordered for patients in the provision of medical services under a general medical services contract within the meaning of section 42 of the National Health Service (Wales) Act 2006.

These Regulations are being made in consequence of the UK's withdrawal from the European Union (EU). Amendments to the Principal Regulations are required to correct EU references to ensure the Principal Regulations remain operable at the end of the transition period following the UK's exit from the EU. In particular, these Regulations change references to "exit day" to references to "IP completion day".

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A.

**Parent Act:** European Union (Withdrawal) Act 2018

**Sift Requirements Satisfied: Yes**

**We agree that the appropriate procedure for these Regulations is the negative resolution procedure.**

## **Pn(5)38 – The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2020**

### **Procedure: Proposed negative**

These Regulations amend the Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019 ("2019 Regulations") to make necessary technical changes to ensure that the legislation amended by the 2019 Regulations continues to operate effectively following the UK's withdrawal from the European Union. As a result of implementation of EU legislation since the 2019 Regulations were made, including amendments to various EU



Directives made under the EU Circular Economy Package, the correcting provisions made by the 2019 Regulations no-longer fully address the deficiencies in the operation of retained EU law which will arise as a consequence of leaving the European Union, and which they were intended to correct.

These Regulations also revoke certain minor provisions in the Hazardous Waste (Wales) Regulations 2005 which will cease to function effectively after IP completion day.

The 2019 Regulations address failures of retained EU law to operate effectively and other deficiencies in retained EU law arising from the withdrawal of the United Kingdom from the European Union. Those amendments, in so far as they are amended by these Regulations, relate to the Waste (Wales) Measure 2010, the Landfill Allowances Scheme (Wales) Regulations 2004, the Hazardous Waste (Wales) Regulations 2005 and the Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A.

**Parent Act:** European Union (Withdrawal) Act 2018

**Sift Requirements Satisfied: Yes**

**We agree that the appropriate procedure for these Regulations is the negative resolution procedure.**

## **Pn(5)39 – The Food and Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020**

### **Procedure: Proposed negative**

These Regulations make amendments to subordinate legislation, which apply in relation to Wales in the areas of food and rural affairs, in order to address failures of retained European Union (EU) law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom (UK) from the EU, to reflect the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement, and to correct transitional provision.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A.

**Parent Act:** European Union (Withdrawal) Act 2018

**Sift Requirements Satisfied: Yes**

**We agree that the appropriate procedure for these Regulations is the negative resolution procedure.**

