

SL(5)206 – The Environmental Permitting (England & Wales) (Amendment) (No. 2) Regulations 2018

Background and Purpose

These Regulations are part of a package of measures to transpose Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation and repealing Council Directive 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (the Basic Safety Standards Directive).

These Regulations transpose provisions of the Basic Safety Standards Directive relevant to the environmental permitting regime as it applies to radioactive substance activities, by amending the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154). These Regulations also make amendments to remove unnecessary regulatory burdens.

The Regulations also amend existing references to, and definitions from, directives repealed by the Basic Safety Standards Directive.

Procedure

Negative – composite.

Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument.

Standing Order 21.2 (ix): The Regulations have been made in English only. The Regulations have been made on an England and Wales basis.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Implications arising from exiting the European Union

These Regulations form part of “EU-derived domestic legislation” under clause 2 of the European Union (Withdrawal) Bill (the Bill), therefore these Regulations will be retained as domestic law and will continue to have effect in Wales on and after exit day. The Bill gives the Welsh Ministers power to modify these Regulations in order to deal with deficiencies arising from EU withdrawal, subject to certain limitations.

Government Response

No government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 30 April 2018 and reports to the Assembly in line with the technical reporting point identified. The Committee also notes the issues identified as a result of the UK exiting the European Union.

