

LEGISLATIVE CONSENT MEMORANDUM

Environment Bill

1. This Legislative Consent Memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a Legislative Consent Memorandum must be laid, and a Legislative Consent Motion may be tabled, before the National Assembly for Wales if a UK Parliamentary Bill makes provision in relation to Wales for any purpose within, or which modifies the legislative competence of the National Assembly.

2. The Environment Bill (the “Bill”) was introduced in the House of Commons on 30 January. The Bill can be found at:

<https://services.parliament.uk/Bills/2019-20/environment/documents.html>

Policy Objectives

3. The UK Government’s stated policy objectives for this Bill are to provide a legal framework for environmental governance once the UK leaves the EU and to make provision for specific improvement of the environment, including measures on waste and resource efficiency, air quality and environmental recall, water, nature and biodiversity, and conservation covenants.

Summary of the Bill

4. The Bill is sponsored by the Department for Environment, Food and Rural Affairs.

5. The Bill makes provisions about targets, plans and policies for improving the natural environment; for statements and reports about environmental protection; for the Office for Environmental Protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards; about water; about nature and biodiversity; for conservation covenants; about the regulation of chemicals; and for connected purposes.

6. The clauses with particular relevance to matters within the legislative competence of the Assembly are:

- Part 1 – Environmental Governance - Clause 19 (Statements about Bills containing new environmental law) and Clause 43 (Meaning of environmental law) in so far as it relates to clause 19
- Part 3 – Waste and Resource Efficiency – clauses 47 and 48 (Producer Responsibility) and Schedules 4 and 5, clauses 49 – 52 (Resource efficiency), clause 55 (Electronic wastes tracking: Great Britain), clause

- 57 (Hazardous waste England and Wales), clause 60 (Regulations under the Environmental Protection Act 1990), clause 61 (Powers to make charging schemes), clause 63 (Enforcement powers), clause 65 (Littering enforcement), clause 66 (Fixed Penalty notices), clause 67 (Regulation of polluting activities)
- Part 4 – Air quality and Environmental recall – clause 69 (Local air quality management framework), clause 70 (Smoke control areas: amendments of the Clean Air Act 1993)
 - Part 5 – Water – clauses 75 and 76 (plans and proposals), clause 77 (Authority’s power to require information), clause 79 (Electronic service of documents), clause 81 (Water quality: powers of Secretary of State), clause 82 (Water quality: powers of Welsh Ministers), clause 85 (Water quality: interpretation), clauses 87 – 89 (Land drainage),
 - Part 8 – Miscellaneous and General Provisions – Clause 125 (Amendment of Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) legislation)

Provisions in the Bill for which consent is required

The Assembly’s consent would be required for the following provisions:

Part 1 – Environmental Governance

Clause 19 (Statements about Bills containing new environmental law)

- 7.This clause requires Ministers of the Crown to make ‘non-regression’ statements on the introduction of Bills before Parliament. The process applies wherever a Minister of the Crown introduces a Bill before Parliament which, if enacted, would be considered ‘environmental law’ for the purposes of clause 43.
- 8.A statement under clause 19 is a statement the Bill contains provision which is environmental law and a statement either –
- to the effect in the Minister’s view the Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law; or
 - the Minister is unable to give the above statement, but the Government nevertheless wishes Parliament to proceed with the Bill.
- 9.Unlike the rest of the Bill, ‘environmental law’ for the purposes of this clause includes devolved legislative provision. The effect of this is the above requirements apply equally to UK Bills involving ‘environmental law’ applying in Wales, in the same way as England.
- 10.UK Government are of the view this provision relates to Parliamentary processes. As ‘Parliament’ is broadly a reserved subject, the UK

Government's position is the Assembly's consent is not required. The Welsh Government view is whilst the process is one delivered through an accountability procedure in Parliament, its purpose is truly an environmental one – a devolved subject matter.

11. For the above reasons, the Welsh Government considers clause 19 requires consent.

Clause 43 (Meaning of environmental law)

12. Clause 43 (Meaning of environmental law) in so far as it relates to clause 19.

Part 3 – Waste and Resource Efficiency

Clauses 47 and 48 (Producer responsibility) and Schedules 4 and 5

13. Clause 47 and Schedule 4 allows the relevant national authority to make regulations about producer responsibility obligations and the enforcement of those regulations. This is done through amendments to the Environment Act 1995.

14. Clause 48 and Schedule 5 allows the relevant national authority to make regulations requiring those involved in manufacturing, processing, distributing or supplying products or materials to meet, or contribute to, the disposal costs of those products.

15. The relevant national authority in Wales for both provisions is the Welsh Ministers, though the Secretary of State can legislate in relation to Wales with the consent of the Welsh Ministers (a 'concurrent plus' power).

16. The powers conferred in clause 47/Schedule 4 and clause 48/Schedule 6 are all exercisable through affirmative procedure before the Assembly, or before Parliament where exercised by the Secretary of State.

17. In so far as these provisions are for a purpose within the legislative competence of the Assembly (i.e. waste) the Welsh Government considers they require consent.

Clauses 49 – 52 (Resource efficiency)

18. Clause 49 (resource efficiency information) and Schedule 6 give the relevant national authority the power to make regulations setting out requirements for manufacturers and producers to provide information about the resource efficiency of their products. All regulations under Schedule 6 are subject to affirmative procedure.

19. Clause 50 (resource efficiency requirements) and Schedule 7 give the relevant national authority the power to make regulations setting out resource efficiency requirements products are required to meet. All regulations under Schedule 7 are subject to affirmative procedure.
20. Clause 51 and Schedule 8 enable the relevant national authority to make regulations establishing deposit schemes. Regulations under Schedule 8 are generally subject to negative procedure, except for the situations specified in clause 51(5) in which case affirmative procedure applies.
21. The relevant national authority for Wales is defined in each of clauses 49 – 51 as the Welsh Ministers or the Secretary of State. The Welsh Ministers' power to legislate is limited to provision which, if contained in an Act of the Assembly, would be within legislative competence. The Secretary of State has power to legislate for Wales in cases outside of this competence, or generally if given consent by the Welsh Ministers (concurrent plus).
22. Clause 52 and Schedule 9 enable the relevant national authority to make regulations about charges for single use plastic items. The relevant national authority for Wales is the Welsh Ministers (Regulations under Schedule 9 are subject to negative procedure, except for the situations specified in clause 52(3), in which case affirmative procedure applies.
23. Clauses 49-52 make provision for a purpose within the legislative competence of the Assembly (i.e. waste). *Clause 55 (Electronic waste tracking: Great Britain)*
- Clause 55 (Electronic Waste Tracking: Great Britain)*
24. Clause 55 amends the Environmental Protection Act 1990, inserting new sections 34CA and 34CB, to create powers to introduce electronic (digital) waste tracking in England, Wales and Scotland, and to establish an electronic system for this purpose by regulations.
25. The powers conferred by inserted sections 34CA and s34CB apply to the Welsh Ministers in Wales.
26. Clause 55(3) makes amendments to section 160A(2) of the Environmental Protection Act 1990, as inserted by clause 60, to provide for the procedure for the new regulation making powers. Regulations under new sections 34CA and 34CB are subject to negative procedure, except for the situations specified in new section 160A(2), in which case affirmative procedure applies
27. In so far as they make provision for a purpose within the legislative competence of the Assembly (i.e. waste) it is the Welsh Government's view that consent is required.

Clause 57 (Hazardous waste: England and Wales)

28. This clause makes amendments to the Environmental Protection Act 1990 in respect of hazardous waste in England and Wales. The new section 62ZA also contains powers to make regulations about, or connected with, the regulation of hazardous waste. Powers are conferred on the 'relevant national authority' meaning the Welsh Ministers in Wales.

29. Regulations under new section 62ZA are subject to negative procedure, except for the situations specified in new section 160A(2) (as introduced by clause 60 and amended by clause 57), in which case affirmative procedure applies.

30. In so far as it makes provision for a purpose within the legislative competence of the Assembly (i.e. waste) it is the Welsh Government's view that consent is required.

Clause 60 (Regulations under the Environmental Protection Act 1990)

31. This provision amends the Environmental Protection Act 1990 relating to procedures for subordinate legislation in the Act. This consolidates the various new provisions inserted into the Act by this Bill

32. It is the Welsh Government's view, in so far provision is made for a purpose within the legislative competence of the Assembly (i.e. it is consequential to the provisions to which it relates, which are themselves environmental protection/waste in nature and so devolved), consent is required.

Clause 61 (Powers to make charging schemes)

33. Clause 61 amends section 41 of the Environment Act 1995 by inserting powers to allow the Environment Agency, Natural Resources Wales, and the Scottish Environment Protection Agency to make charging schemes as a means for recovering costs it incurs by performing functions. It is the Welsh Government's view, in so far as it makes provision for a purpose within the legislative competence of the Assembly (waste and environmental protection), that consent is required.

Clause 63 (Enforcement powers)

34. Clause 63 introduces Schedule 10 which amends legislation about enforcement powers in relation to waste and other environmental matters. In particular amendments include minor amendments to the Control of Pollution (Amendment) Act 1989; amendments to the Environmental Protection Act 1990 in relation to powers to search and seize vehicles in connection with waste offences, and amendments to the Environmental Protection Act 1990 to provide directions making powers in relation to waste. In so far as this clause makes provision for purposes within the legislative competence of the Assembly (waste, air quality and

environmental protection) the Welsh Government consider it requires consent.

Clause 65 (Littering enforcement)

35. Clause 65 amends Part 4 of the Environmental Protection Act 1990 in relation to enforcement against littering and the unauthorised distribution of free printed material.
36. Clause 65 confers a new power on the Welsh Ministers (as ‘appropriate person’ in Wales) to prescribe conditions by regulations which must be met by an authorised officer operating on behalf of a litter authority, and to make provision requiring a litter authority to revoke an officer’s authorisation if the officer fails to meet the prescribed conditions. The new powers are subject to negative procedure.
37. Clause 65 also confers guidance making powers on the Welsh Ministers. Any guidance issued under these powers would be subject to no procedure.
38. As this clause makes provision for waste/environmental protection, a purpose within the legislative competence of the Assembly, the Welsh Government considers it requires consent.

Clause 66 (Fixed penalty notices)

39. Clause 66 amends sections 33ZA, 33ZB, 34ZA and 34ZB of the Environmental Protection Act 1990 to allow the level of fixed penalty notices (FPNs) under those sections, and the time period under which a lesser amount may be treated as payment of the fixed penalty, to be varied. Sections 33ZB and 34ZB are of application to Wales, whilst 33ZA and 33ZA are of application to England.
40. The amendments in clause 66 allow the Welsh Ministers to be able to make regulations which substitute the penalty amounts currently specified in the above mentioned application sections. These powers are subject to the negative procedure in accordance with section 160A of the 1990 Act (as inserted by clause 60).
41. As this clause makes provision for waste/environmental protection, a purpose within the legislative competence of the Assembly, the Welsh Government considers it requires consent.

Clause 67 (Regulation of polluting activities)

42. This clause amends Schedule 1 to the Pollution Prevention and Control Act 1999, which sets out the purposes for which the Secretary of State can make regulations under Section 2 of the Act. Subsection (2) inserts a new

sub-paragraph into paragraph 4 of Schedule 1, setting out a new purpose for which regulations can be made. This allows the Secretary of State to prohibit an activity unless it meets conditions determined by the Environment Agency and/or Natural Resources Wales in accordance with the regulations.

43. The functions under Pollution Prevention and Control Act 1999 are exercisable by the Welsh Ministers in relation to Wales, so this new amendment also broadens the scope of Welsh Ministers' powers.
44. As this clause makes provision for waste/environmental protection, a purpose within the legislative competence of the Assembly, the Welsh Government considers it requires consent.

Part 4 – Air Quality and Environmental Recall

Clause 69 (Local air quality management framework)

45. Clause 69 introduces Schedule 11 which makes amendments to the Environment Act 1995 relating to air quality.
46. Schedule 11, paragraph 2 amends section 80 (national air quality strategy) of the Environment Act 1995 ("the 1995 Act"). This paragraph omits section 80(3) of the 1995 Act as well as makes provision for the review of the national air quality strategy. As a result of the omission of section 80(3), it is put beyond doubt Welsh Ministers are responsible for publishing a national air quality strategy in relation to Wales and the current position and devolved nature of this role is more accurately reflected.
47. Paragraph 2(3) of Schedule 11 makes further provision in relation to the review of the national air quality strategy. As the publishing of the strategy in relation to Wales is a function of the Welsh Ministers. Should the Assembly wish to legislate to provide such a provision in Wales, it would be within their competence to do so and, therefore, consent is required.
48. In so far as relating to paragraphs 2(3) of Schedule 11, clause 69 makes a provision for a purpose within the legislative competence of the Assembly and the Welsh Government consider consent is required.

Clause 70 (Smoke control areas: amendments of the Clean Air Act 1993)

49. This clause introduces Schedule 12 which makes various amendments to the Clean Air Act 1993.
50. Part 2 of Schedule 12 amends sections 20 and 21 of the Clean Air Act 1993 in relation to Wales to allow Welsh Ministers to publish a list of authorised fuels and exempt fireplaces for use in smoke control areas, rather than having to produce Regulations and Orders annually for the

same purpose. The changes are intended to make the process of denoting authorised fuels and exempt fireplaces for sale in smoke control areas more efficient and less resource intensive. The list system is already in place in England and Scotland and therefore these provisions bring Wales in line with the rest of the UK.

51. This part makes provisions in relation to air quality and relates to Wales only. Therefore they require the consent

52. Paragraphs 14 and 15 amend sections 20 and 21 of the 1993 Act in consequence of the changes in Part 2 of Schedule 2. They are therefore consequential on devolved provision, and require consent.

Part 5 – Water

53. Clauses 75, 76, 77, 79, 81, 82 and 85 are concerned with water quality.

Clauses 75 – 76 (plans and proposals)

54. Clause 75 amends the Water Industry Act 1991 in relation to general duties of water undertakers to prepare joint proposals and plans. This includes a regulation-making power for the Welsh Ministers to make provision about the procedure for preparing and publishing water resources management plans, drought plans, and joint proposals. These regulations are subject to the negative resolution procedure.

55. Clause 76 amends the Water Industry Act 1991 in relation to drainage and sewerage management plans. This includes providing the Welsh Ministers with a regulation-making power to amend the period within which an undertaker must prepare and publish a revised plan. These regulations follow the negative resolution procedure.

56. Clauses 75 and 76 relate to water and sewerage but do not relate to any of the reserved matters in Schedule 7A to GoWA. These clauses confer powers on the Welsh Ministers in relation to water and sewerage undertakers whose areas are wholly or mainly in Wales and therefore are not caught by the reservations in paragraphs 92 and 93 of Schedule 7A to GoWA. As these provisions therefore fall within legislative competence of so far as they apply in relation to Wales and could be made by an Assembly Bill, they require consent.

Clause 77 (Authority's power to require information)

57. Clause 77 amends the Water Industry Act 1991 to provide Ofwat with a power to require information from water or sewerage undertakers or water supply or sewerage licensees for the purpose of monitoring.

58. Clause 77 relates to water and sewerage, and in so far as the Assembly could provide for the same provision in relation to Wales, requires the Assembly's consent.

Clause 79 (Electronic service of documents)

59. Clause 79 amends the Water Industry Act 1991 and makes provision about the electronic service of documents to Ofwat.

60. As clause 79 does not fall within reserved matters and could be made by an Assembly Bill, it is the Welsh Government's view that it requires consent.

Clause 81 (Water quality: powers of Secretary of State)

61. Clause 81 provides the Secretary of State with a regulation-making power to make provision about the substances to be taken into account in assessing the chemical status of surface water or groundwater, and to specify standards for those substances or in relation to the chemical status of surface water or groundwater. Regulations under this provision are subject to the negative resolution procedure and consultation requirements.

62. Regulations under this clause may be made by the Secretary of State in relation to Wales, either—

- when the Welsh Ministers do not have the executive competence to make regulation under clause 82 (i.e. the exercise of the power is beyond legislative competence see clause 82(5)); or
- with the consent of the Welsh Ministers if they contain provision which could be contained in regulations made by the Welsh Ministers under section 82.

63. As the above is a 'concurrent plus' power, consent is required in so far as the provision is 'relevant provision' under SO29.1(ii).

Clause 82 (Water quality: powers of Welsh Ministers)

64. Clause 82 confers a regulation-making power, broadly comparable with clause 81, on the Welsh Ministers and provides the Welsh Ministers must consult certain bodies before making regulations under this provision. Regulations made under clause 82 will follow the negative resolution procedure. Regulations under this provision can only make provision for matters within the legislative competence of the Assembly.

65. In so far as clause 82 makes provision for water quality, a purpose within the legislative competence of the Assembly, consent is required.

Clause 85 (Water quality: interpretation)

66.To the extent this provision applies to the above provisions, it requires consent.

Clauses 86 - 89 (Land drainage)

67.Clause 87 amends section 83 of the Environment (Wales) Act 2016 and provides a regulation-making power for the Welsh Ministers to make provision for the value of other land in a Welsh internal drainage district to be determined in accordance with the regulations. Regulations made under this section follow the affirmative procedure. This clause applies in relation to Welsh internal drainage districts only and, therefore, falls within the legislative competence of the Assembly and requires consent.

68.Clause 88 amends the Land Drainage Act 1991 and provides the Welsh Ministers with a regulation-making power to make provision for the annual value of each chargeable property in a Welsh internal drainage district to be determined by the drainage board for the district in accordance with the regulations. Regulations made under this provision follow the affirmative procedure.

69.Clause 89 amends the Land Drainage Act 1991 and makes provision about the disclosure of revenue and customs information by HMRC to a qualifying person, including NRW and the Welsh Ministers, for a purpose specified in section 37A. New section 37A also includes a regulation-making power for the Welsh Ministers, so far as Welsh internal drainage districts are concerned, to specify a person as a qualifying person for the purpose of this section. Regulations made under this section follow the affirmative procedure and may only be made with the consent of the Commissioners for HMRC.

70.As clauses 87, 88 and 89 make provision in relation to land drainage, a purpose within the legislative competence of the Assembly, the Welsh Government considers it requires consent.

Part 8 – Miscellaneous and General Provisions

Clause 125 (Amendment of REACH legislation)

71.Clause 125 introduces Schedule 19 which gives the Secretary of State the power to amend the Articles of the REACH Regulation. This power is exercisable subject to the consent requirement in Article 4A of the REACH Regulation.

72.Schedule 19 also gives power to the Secretary of State to amend the REACH Enforcement Regulations. The Welsh Ministers are also given power in relation to amend the REACH Enforcement Regulations under this provision, to the extent the exercise of the power would be within

legislative competence. Such regulations would be subject to the affirmative procedure. This power is exercisable concurrently with the Secretary of State.

73. These provisions contain provision within the legislative competence of the Assembly such as environmental protection and human health. The provision therefore requires consent.

74. In addition to the above, the creation of concurrent plus functions in relation to the power to amend the REACH Enforcement Regulations are also considered to require consent.

Remainder of Part 8

75. The general provisions of the Bill will require consent in so far as they relate to the provisions of the Bill which are themselves 'relevant provision' for SO29 purposes.

Concurrent plus powers

76. The Bill includes concurrent plus powers in relation to clauses 47 -51 and associated schedules, Clause 81 and Clause 125. As currently drafted, the inclusion of the 'concurrent plus' functions in the Bill also leads to the clauses requiring consent as the provisions arguably 'modify the legislative competence of the Assembly' (and in turn would be 'relevant provisions for the purposes of SO29.1(ii)).

77. There was insufficient time prior to the introduction of the Bill to include a 'carve out' for the concurrent plus provisions from the associated Schedule 7B restrictions. A Ministerial commitment has been made by the Parliamentary Under-Secretary of State for the Environment to carve out these provisions. At present, as the provisions will modify Assembly competence but are also provisions for a purpose within Assembly competence, they will require consent.

Reasons for making these provisions for Wales in the Environment Bill

78. We follow the principle that primary legislation in devolved areas should be enacted by the National Assembly, however, there are circumstances where it is sensible and advantageous to seek provisions in UK Parliament Bills which would be within the Assembly's legislative competence, with the consent of the Assembly.

79. At present there is no time within the Assembly's timetable to bring forward an Environment Bill that could be used to take forward these provisions.

80. In relation to provisions being made for extended producer responsibility and waste management, and single use plastics, the Bill provides a timely opportunity to progress key features of the circular economy strategy. For extended producer responsibility and waste management developing a regulatory approach which allows for a consistent scheme to operate between Wales, England and Northern Ireland is important for market reasons and reflects the cross border nature of many business operating in the sector.

81. For powers relating to extended producer responsibility, waste management, water plans and proposals, regulation of water and sewerage undertakers and the REACH regulations, the interconnected nature of the relevant Welsh and English administrative systems mean it is the most effective and appropriate approach for provisions to be taken forward at the same time in the same legislative instrument.

82. The Welsh Government is generally supportive of the Bill as drafted. However, there are three outstanding issues of concern. These relate to the impact of clause 19 (non regression of environmental protection standards) on devolved competence and the duty on the Office of Environmental Protection to consult devolved environmental governance bodies (clause 24(4)). Clause 24(4), requires the Office for Environmental Protection to consult a devolved environmental governance body if it considers a particular exercise of its functions may be relevant to the exercise of a devolved environmental governance function. Given the possibility of the OEP investigating a complaint which could be concerned with reserved and devolved matters it may require the ability for that body to work cooperatively with an equivalent body in Wales. These outstanding issues are currently under discussion with Defra.

83. There is also a requirement for a carve-out of paragraph 11, Schedule 7B of the Government of Wales Act 2006 in respect of concurrent powers in relation to extended producer responsibility, water quality and REACH. A Ministerial commitment has been made by the Parliamentary Under-Secretary of State for the Environment to carve out these provisions.

Financial implications

84. There are currently no additional financial implications for the Welsh Government or the Assembly as a result of taking these powers in this bill.

Conclusion

85. In the view of the Welsh Government it is appropriate to use the UK Environment Bill as a vehicle to take forward initiatives likely to be required to progress the circular economy strategy, particularly where these require a joined up approach with other UK administrations. Similarly, the effective

management of water quality and the regulation of chemicals post EU Exit are appropriate matters to be taken forward in this Bill. The proposed legislative changes in air quality and land drainage allow for the clarification of the Welsh Ministers' responsibilities or are administrative in nature and the Bill provides a timely opportunity to take these forward.

Lesley Griffiths AM
Minister for Environment, Energy and Rural Affairs
February 2020

Annex A

Provision	Description of Power	Legislative Procedure
Clause 47 Schedule 4 Producer responsibility obligations	Confers a power to make regulations to impose producer responsibility obligations on specified persons and in relation to specified products or materials	affirmative procedure
Clause 48 Schedule 6 Producer responsibility for disposal costs	Confers a power to make regulations that require those involved in manufacturing, processing, distributing or supplying products or materials to meet, or contribute to, the disposal costs of those products.	affirmative procedure
Clause 49 Schedule 7 Resource efficiency information	Confers a power to make regulations that set requirements for manufacturers and producers to provide information about the resource efficiency of their products.	Affirmative procedure
Clause 50 Resource efficiency requirements	Confers a power on the relevant national authority to make regulations that set resource efficiency requirements that products are required to meet.	Affirmative procedure
Clause 51 Schedule 8 Deposit schemes	Confers a power on the relevant national authority to make regulations establishing deposit schemes	Negative procedure
Clause 52 Schedule 9 Charges for single use plastic items	Regulation making power to make provision about charging by sellers of goods for the supply of single-use items.	Negative procedure

Provision	Description of Power	Legislative Procedure
Clause 55 Electronic waste tracking: Great Britain	Confers powers on Welsh Ministers to introduce electronic (digital) waste tracking and to establish an electronic system for that purpose by regulations	Clause 55(3) makes amendments to section 160A(2) of the Environmental Protection Act 1990, as inserted by clause 60, to provide for the procedure for the new regulation making powers. Regulations under new sections 34CA and 34CB are subject to negative procedure, except for the situations specified in new section 160A(2), in which case affirmative procedure applies
Clause 57 Hazardous waste: England and Wales	Confers a power to make regulations to make provision about, or connected with, the regulation of hazardous waste.	Regulations under new section 62ZA are subject to negative procedure, except for the situations specified in new section 160A(2) (as introduced by clause 60 and amendment by clause 57), in which case affirmative procedure applies.
Clause 65 Littering enforcement	Amends Part 4 of the Environmental Protection Act 1990 in relation to enforcement against littering, and other offences of littering from a vehicle and the unauthorised distribution of free printed material. Confers a new power on	Negative procedure. Any guidance issued under these powers would be subject to no procedure.

Provision	Description of Power	Legislative Procedure
	<p>the Welsh Ministers (as 'appropriate person' in Wales) to prescribe conditions by regulations that must be met by an authorised officer operating on behalf of a litter authority, and to make provision requiring a litter authority to revoke an officer's authorisation if that officer fails to meet the prescribed conditions.</p> <p>Also confers guidance making powers on the Welsh Ministers.</p>	
<p>Clause 66 Fixed Penalty Notices</p>	<p>Powers to vary Fixed Penalty Notice levels and how payment can be made</p>	<p>Negative procedure</p>
<p>Clause 67 Regulation of polluting activities</p>	<p>Regulation of polluting activities</p>	<p>Negative procedure</p>
<p>Clause 75 Water resources management plans, drought plans and joint proposals</p>	<p>Confers powers on the Welsh Ministers in relation to water and sewerage undertakers whose areas are wholly or mainly in Wales</p>	<p>Negative procedure</p>
<p>Clause 76 Drainage and sewerage management plans</p>	<p>Confers powers on the Welsh Ministers in relation to water and sewerage undertakers whose areas are wholly or mainly in Wales</p>	<p>Negative procedure</p>
<p>Clause 82 Water quality: powers of Welsh Ministers</p>	<p>Power to amend legislation to make technical updates in the field of water quality, following the departure from the EU.</p>	<p>Negative procedure</p>

Provision	Description of Power	Legislative Procedure
Clause 87 Valuation of other land in drainage district: Wales	Amendment to the Environment (Wales) Act 2016 which amends the Land Drainage Act 1991. Restates existing Regulation making powers in light of amendments to the 1991 Act, including the related regulation making power introduced in clause 88.	Affirmative procedure
Clause 88 Valuation of agricultural land in drainage district: England and Wales	Confers power to make regulations providing an alternative methodology for the calculation of drainage rates	Affirmative procedure
Clause 89 Disclosure of Revenue and Customs information	This provision allows HMRC to share information to qualifying persons for qualifying purposes. A regulation making power is conferred to enable the list of 'qualifying persons' to be added to.	Affirmative procedure
Clause 125 Amendment of REACH legislation	Confers a power on Welsh Ministers in relation to amending the REACH Enforcement Regulations under this provision to the extent that the exercise of that power would be within legislative competence.	Affirmative procedure.