

SL(5)020 – The Environmental Permitting (England and Wales) Regulations 2016

Background and Purpose

These Regulations consolidate the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675) and a number of subsequent amendments into a single set of regulations. These Regulations maintain the established environmental permitting and compliance regime that applies to various activities and industries.

Procedure

Affirmative

Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument, namely:

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

The Regulations contain Welsh language amendments made to some Wales only subordinate legislation. In some cases there are inconsistencies between the amendments made to the English and Welsh versions of these instruments by the Regulations. This is because previous amending legislation amended only the English text and not the Welsh text of the relevant instruments. This meant that the two language versions of these instruments were previously inconsistent. These Regulations seek to remedy that inconsistency.

Merits Scrutiny

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

Government Response

Response to the point raised by the Legal Advisers to the Constitutional and Legislative Affairs Committee.

Standing Order 21.2(ix) – not made bilingually



- These composite Regulations (“the 2016 Regulations”) are a consolidation of the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675) and a number of subsequent amending instruments into a single Instrument. The 2016 Regulations maintain the established environmental permitting and compliance regime.
- The 2016 Regulations apply to England and Wales and are subject to approval by the National Assembly for Wales and by Parliament. Accordingly, it is not considered reasonably practicable for this Instrument to be laid or made bilingually.
- The draft report notes that there are some inconsistencies between textual amendments made to the Welsh and English texts of other Welsh subordinate legislation. This is referring to Paragraphs 17 and 24 of Part 2 of Schedule 29 to the 2016 Regulations. These paragraphs contain consequential amendments to Wales-only statutory instruments (the Hazardous Waste (Wales) Regulations 2005 and the Contaminated Land (Wales) Regulations 2006). As noted in the draft report, previous amending legislation amended only the English text those Instruments, resulting in inconsistencies between the Welsh and English texts. These Regulations seek to remedy those inconsistencies by bringing the Welsh and English texts of those Instruments back into equivalence. This is necessary in order to give effect to the consequential changes being made as a result of the 2016 Regulations.

Committee Consideration

The Committee considered the instrument at its meeting on 14 November 2016. The Committee reports to the Assembly in line with the reporting point above. We emphasise the importance of maintaining high standards in terms of bilingual legislation

Legal Advisers

Constitutional and Legislative Affairs Committee

14 November 2016

