



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Notification in Relation to Statutory Instruments made by UK Ministers in devolved areas under the European Union (Withdrawal) Act 2018 not laid before the Assembly

DATE 30 October 2018

BY Julie James AM, Leader of the House and Chief Whip

The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018

The SI's impact in relation to Wales:

In terms of the SI's impact in Wales, it only goes as far as to make a technical correction to the definition of waste in section 336 of the Town and Country Planning Act 1990, which applies to both England and Wales. This correction is required to ensure that the statute book is up to date.

Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence

The SI (where relevant) to Wales makes provision within devolved competence, however, in these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government's general principle is that it is appropriate, we ask the UK Government to legislate on our behalf in a large number of statutory instruments.

As there is some Welsh equivalent legislation in place, corrections to deficiencies will be addressed in Wales-only EU Exit SIs.

The purpose of the amendment

The purpose of the this SI (negative procedure), to be introduced by the Ministry for Housing, Communities & Local Government is to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU. The purpose of the provision, which applies in Wales, is to correct an out-of-date reference to EU legislation. It is made under the European Union (Withdrawal) Act 2018 and the European Communities Act 1972. This instrument will not introduce any policy changes.

The SI and accompanying Explanatory Memorandum, setting out the effect of this amendment is available here:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-environmental-assessments-and-miscellaneous-planning-amendment-eu-exit-regulations-2018>

Why consent was given

Consent has been given for the UK Government to make this correction in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the minor and technical nature of the amendment. Making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book.

This amendment is to update an out of date reference, which is needed to ensure the legislation can operate effectively post EU exit. The amendment has been considered and there is no divergence in policy between the Welsh Government and the UK Government. Therefore, it is appropriate for the UK Government to make the SI in this instance.