EXPLANATORY MEMORANDUM TO

THE AIR QUALITY (AMENDMENT) (NORTHERN IRELAND PROTOCOL) (EU EXIT) (REVOCATION) REGULATIONS 2020

2020 No. 1142

1. Introduction

1.1 This Explanatory Memorandum has been prepared by Department for Environment, Food and Rural Affairs ("Defra") and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This instrument revokes the Air Quality (Amendment) (Northern Ireland Protocol) (EU Exit) Regulations 2020 (S.I. 2020/1132).

Explanations

What did any relevant EU law do before exit day?

2.2 This instrument revokes the Air Quality (Amendment) (Northern Ireland Protocol) (EU Exit) Regulations 2020 which was made in error.

Why is it being changed?

2.3 This instrument revokes the Air Quality (Amendment) (Northern Ireland Protocol) (EU Exit) Regulations 2020 which was made in error.

What will it now do?

2.4 This instrument revokes the Air Quality (Amendment) (Northern Ireland Protocol) (EU Exit) Regulations 2020 which was made in error.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This instrument revokes the Air Quality (Amendment) (Northern Ireland Protocol) (EU Exit) Regulations 2020 which was made in error before receipt of formal consent from Northern Ireland was obtained. This instrument will come into force on the day after the day on which it is laid, which means that the conventional 21-day rule has not been met.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 This instrument revokes the Air Quality (Amendment) (Northern Ireland Protocol) (EU Exit) Regulations 2020 which was made in error before receipt of formal consent from Northern Ireland was obtained.

7. Policy background

What is being done and why?

7.1 This instrument revokes the Air Quality (Amendment) (Northern Ireland Protocol) (EU Exit) Regulations 2020 which was made in error before receipt of formal consent from Northern Ireland was obtained.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument is made using powers under section 8C of the European Union (Withdrawal) Act 2018, the same powers as used to make the instrument being revoked.

9. Consolidation

9.1 There are no plans to consolidate the legislation amended by this instrument.

10. Consultation outcome

10.1 This was not subject to public consultation as it is revoking a piece of legislation made in error.

11. Guidance

11.1 The Department does not intend to issue guidance on these Regulations.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because no impacts are expected on businesses as this instrument maintains existing regulatory standards.

13. Regulating small business

13.1 This instrument applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise the regulatory burdens on small businesses as no new operational costs are anticipated.

14. Monitoring & review

14.1 Defra does not intend to monitor this instrument.

14.2 As this instrument is made under the EU Withdrawal Act 2018, no review clause is required.

15. Contact

15.1 Melanie King at the Department of Environment, Food and Rural Affairs Telephone: 0208 026 1476 or email: melanie.king@defra.gov.uk can be contacted with any queries regarding this instrument.

15.2 John Newington at the Department of Environment, Food and Rural Affairs Telephone 0208 026 3390 or email: john.newington@defra.gov.uk can be contacted with any queries regarding this instrument.

15.3 The Parliamentary Under Secretary of State for the Environment, Rebecca Pow MP at the Department of Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.