POLICY NOTE

THE MANAGEMENT OF EXTRACTIVE WASTE (EU EXIT) (SCOTLAND) (MISCELLANEOUS AMENDMENTS) REGULATIONS 2019

SSI 2019/273

The above instrument was made in exercise of the powers conferred by paragraph 1(1) and (3) of Schedule 2 to the European Union (Withdrawal) Act 2018 and section 2(2) of the European Communities Act 1972. The instrument is subject to negative procedure.

Purpose of the instrument. The Regulations make minor and technical changes to the Management of Extractive Waste (Scotland) Regulations 2010 to update references to waste Directives and to fix those deficiencies arising from the withdrawal of the UK from the EU.

Policy Objectives

The Regulations make minor and technical changes to the Management of Extractive Waste (Scotland) Regulations 2010. The amendments ensure references within the Regulations are up to date and that deficiencies arising from the withdrawal of the UK from the EU are addressed.

Explanation of the law being amended by the regulations

The Management of Extractive Waste (Scotland) Regulations 2010 regulate the natural materials which need to be disturbed and separated at mines and quarries in order to access commercially viable minerals. The materials are termed extractive waste (subject to certain exempt materials) and must be distinguished from other waste streams.

Reasons for and effect of the proposed change or changes on retained EU law

The Regulations make some minor and technical amendments to ensure the 2010 Regulations are up to date and to fix deficiencies arising from the withdrawal of the UK from the EU. In particular, references to EU legislation (including Directives), the Community and Member States are adjusted. These amendments are not intended to introduce any policy changes.

Statements required by European Union (Withdrawal) Act 2018

Statement that in their opinion Scottish Ministers consider that the regulations do no more than is appropriate

The Minister for Local Government, Housing and Planning, Kevin Stewart has made the following statement "In my view the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 do no more than is appropriate. This is because the changes being made are minor and technical amendments within the 2010 Regulations or those that address deficiencies that would occur due to the UK's exit from the EU."

Statement as to why the Scottish Ministers consider that there are good reasons for the regulations and that this is a reasonable course of action

The Minister for Local Government, Housing and Planning, Kevin Stewart has made the following statement "In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action."

Statement as to whether the SSI amends, repeals or revokes any provision of equalities legislation, and, if it does, an explanation of that amendment, repeal or revocation

The Minister for Local Government, Housing and Planning, Kevin Stewart has made the following statement "In my view the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 do not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts."

Statement that Scottish Ministers have, in preparing the regulations, had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010

The Minister for Local Government, Housing and Planning, Kevin Stewart has made the following statement "In my view the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010."

Additional information provided for EU Exit instruments in terms of the protocol agreed between the Scottish Government and the Scottish Parliament

Statement that Scottish Ministers have, in preparing the regulations, had due regard to the guidance principles on the environment and animal welfare

The Minister for Local Government, Housing and Planning, Kevin Stewart has made the following statement "In my view the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 have had due regard to the need to the guiding principles on the environment and animal welfare as derived from the equivalent principles provided for in Articles 13 and 191(2) in Titles II and XX respectively of the Treaty on the Functioning of the European Union."

Statement explaining the effect (if any) of the regulations on rights and duties relating to employment and health and safety and matters relating to consumer protection (so far as is within devolved competence)

Not applicable

An indication of how the regulations should be categorised in relation to the significance of the change proposed

The regulations are considered to be minor and technical in nature, with no policy change therefore the significance of the change is categorised as 'low'.

Statement setting out the Scottish Ministers' reasons for their choice of procedure

The Minister for Local Government, Housing and Planning, Kevin Stewart has made the following statement "In my view, it is appropriate that the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 is subject to the negative procedure as the amendments made by the instrument are considered to be minor and technical in nature."

Further information

Consultation

The amendments within the instrument are considered to be minor and technical in nature and are part of readiness preparations for the UK's exit from the EU.

Consultation on the content is, therefore, not considered necessary.

Impact Assessments

Full impact assessments have not been prepared for this instrument because the amendments are considered to be minor and technical in nature. The amendments do not alter the Scottish Government's current environmental policies and priorities and, therefore, do not have a significant impact on the environment. The impact on business, charities or voluntary bodies is expected to be minimal.

Financial Effects

The Minister for Local Government, Housing and Planning, Kevin Stewart confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Local Government and Communities
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