

POLICY NOTE

The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Amendment Regulations 2019

SSI 2019/274

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. The instrument is subject to negative procedure.

Purpose of the instrument. The Regulations amend the coming into force date and make three drafting amendments to Town and Country Planning and Electricity Works (EU Exit) (Scotland) Amendment Regulations 2019.

Policy Objectives

The Regulations are required in order to correct the date the 2019 Regulations come into force and some minor drafting errors identified by the Delegated Powers and Law Reform Committee within this secondary legislation. This instrument is not intended to introduce any policy changes.

Explanation of the law being amended by the regulations

The Regulations amend the date the Town and Country Planning and Electricity Works (EU Exit) (Scotland) Amendment Regulations 2019 come into force and a few minor drafting errors that were identified after the Regulations were laid. The 2019 Regulations were themselves amending:

- The Town and Country Planning (Development Planning) (Scotland) Regulations 2008
- The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
- The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

This instrument fulfils an undertaking given to the Delegated Powers and Law Reform Committee to amend the 2019 Regulations to correct the minor drafting errors identified.

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

The Regulations amend the date the 2019 Regulations come into force after the UK leaves the EU. There are also minor drafting corrections to clarify the amendments outlined in the 2019 Regulations, to ensure those applying the Regulations understand how to apply the original amendments.

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 Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Amendment Regulations 2019” do no more than is appropriate”.

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 instrument, and I have concluded it is a reasonable course of action”. This is the case because the changes are minor in nature and correcting small drafting anomalies in the 2019 Regulations.

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 Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Amendment 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.” This is because the amendments are minor in nature and correcting small drafting anomalies in the 2019 Regulations.

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 Town and Country Planning and Electricity Works (Miscellaneous Amendments) (EU Exit) (Scotland) 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 Town and Country Planning and Electricity Works (Miscellaneous Amendments) (EU Exit) (Scotland) Regulations 2019 have had due regard 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)

The above heading is 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 in nature, correcting small drafting anomalies in the 2019 Regulations. The significance of the changes is categorised as ‘low’.

Choice of procedure

The instrument is subject to the negative procedure. The amendments within the instrument are considered minor and are correcting small drafting anomalies in the 2019 Regulations.

Further information

Consultation

The amendments within the instrument are considered to be minor and technical in nature and are part of readiness preparations in the event that the UK exits the EU without a deal. Consultation on the content was, therefore, not considered necessary.

Impact Assessments

Full impact assessments have not been prepared for this instrument because the changes are considered to be minor in nature, correcting small drafting anomalies in the 2019 Regulations.

The amendments do not alter 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

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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