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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 80**

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

**Amendment of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

**6.—(1)** The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017(1) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) at the end of the definition of “the Directive” add “, as it had effect immediately before exit day”,
- (b) after the definition of “supplementary information” insert “and”,
- (c) omit the definition of “Union legislation” and “and” immediately following it.

(3) In regulation 4(3)(b) (environmental impact assessment), after “under” insert “any law that implemented”.

(4) In regulation 6(6) (EIA development), for “, in accordance with Article 2(4) of the Directive (but without prejudice to Article 7 of the Directive),” substitute “in exceptional cases”.

(5) In regulation 14(2)(b) (publication of EIA report), for “another” substitute “an”.

(6) In regulation 22(2)(b) (monitoring measures)—

- (a) for “Union legislation” substitute “retained EU law”,
- (b) after “requirements of” insert “any law that implemented”.

(7) In regulation 29 (development in Scotland likely to have significant effects in an EEA state other than the United Kingdom)—

- (a) in the heading omit “other than the United Kingdom”,
- (b) in paragraph (1)(a) and (b), in each place it occurs, omit “other than the United Kingdom”,
- (c) in paragraph (3)(a) for “another” substitute “an”,
- (d) in paragraph (5)(a) for “in accordance with Article 6(1) of the Directive and” substitute “by the EEA State as authorities to be consulted and to”,
- (e) in paragraph (6)—
  - (i) omit “in accordance with Article 7(4) of the Directive”,
  - (ii) in sub-paragraph (b) for “the other” substitute “that”.

(8) In regulation 30 (projects in another EEA state likely to have significant transboundary effects)—

- (a) in the heading for “another” substitute “an”,
- (b) in paragraph (1)—
  - (i) omit “other than the United Kingdom pursuant to Article 7(2) of the Directive”,

- (ii) omit “, in accordance with Article 7(4) of the Directive”,
- (iii) in sub-paragraph (b), from “to the competent authority” to the end substitute “representations to the competent authority in that EEA State”.

(9) In regulation 35 (access to review procedure before a court), at the end insert “(and for such purpose Article 11(1)(b) is to be read as if the reference to “a Member State” were a reference to “Scotland”).”.

(10) In schedule 3 (selection criteria for screening schedule 2 development), in paragraph 2(c) (vi), for “Union legislation” substitute “retained EU law”.

(11) In schedule 4 (information for inclusion in environmental impact assessment reports)—

(a) in paragraph 5—

- (i) for “or Member State level” substitute “level (as they had effect immediately before exit day) or United Kingdom”,
- (ii) after “those established under” insert “the law of any part of the United Kingdom that implemented”,

(b) in paragraph 8—

- (i) for “legislation of the European Union such as” substitute “retained EU law such as any law that implemented”,
- (ii) after “requirements of” insert “any law that implemented”.