

## STATUTORY INSTRUMENTS

### 2018 No. 575

## The Environment, Food and Rural Affairs (Miscellaneous Amendments) (England) Regulations 2018

### PART 2

#### Amendments to legislation concerning the environment

#### **The Genetically Modified Organisms (Risk Assessment) (Records and Exemptions) Regulations 1996**

2.—(1) The Genetically Modified Organisms (Risk Assessment) (Records and Exemptions) Regulations 1996 <sup>M1</sup> are amended as follows.

(2) In regulation 1(3)—

- (a) after the definition of “the Act” omit “and”;
- (b) in the definition of “the Contained Use Regulations”, for “the Genetically Modified Organisms (Contained Use) Regulations 2000 <sup>M2</sup>” substitute “ the Genetically Modified Organisms (Contained Use) Regulations 2014 <sup>M3</sup> ”.

(3) In regulation 3(2)—

- (a) in sub-paragraph (b)(ii), for “regulation 3(2)” substitute “ regulation 3(1) ”;
- (b) in sub-paragraph (d), for “the Genetically Modified Organisms (Deliberate Release) Regulations 1992 <sup>M4</sup>” substitute “ the Genetically Modified Organisms (Deliberate Release) Regulations 2002 <sup>M5</sup> ”.

#### **Marginal Citations**

**M1** [S.I. 1996/1106](#), amended by [S.I. 2000/2831](#); there are other amending instruments but none is relevant.

**M2** [S.I. 2000/2831](#), revoked by [S.I. 2001/2626](#), [2005/2466](#), [2014/1663](#).

**M3** [S.I. 2014/1663](#), to which there are amendments not relevant to these Regulations.

**M4** [S.I. 1992/3280](#), revoked in relation to England by [S.I. 2002/2443](#).

**M5** [S.I. 2002/2443](#), to which there are amendments not relevant to these Regulations.

#### **The Genetically Modified Organisms (Deliberate Release) Regulations 2002**

3.—(1) The Genetically Modified Organisms (Deliberate Release) Regulations 2002 are amended as follows.

(2) In regulation 2, in the definition of “the Contained Use Directive”, for the words from “Council Directive” to the end substitute “ Directive [2009/41/EC](#) of the European Parliament and of the Council on the contained use of genetically modified micro-organisms <sup>M6</sup> ”.

(3) For regulation 12(4)(c) substitute—

- “(c) any person, or member of a genetic modification safety committee, from whom advice must be obtained under regulation 8 of the Genetically Modified Organisms (Contained Use) Regulations 2014.”.

#### Marginal Citations

**M6** OJ No L 125, 21.5.2009, p 75.

### The Hazardous Waste (England and Wales) Regulations 2005

- 4.—(1) The Hazardous Waste (England and Wales) Regulations 2005<sup>M7</sup> are amended as follows.
- (2) In regulation 2(1)(a), at the end insert “, as last amended by Council Regulation (EU) 2017/997<sup>M8</sup>”.
- (3) In regulation 12(3), for “Council Regulation 259/93/EEC<sup>M9</sup>” substitute “ Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste<sup>M10</sup>”.
- (4) In Schedule 7, in paragraph 1(b), for the words from “the Annex” to “1994” substitute “ Annex 1A to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste ”.

#### Commencement Information

**I1** Reg. 4(1)(3)(4) in force at 1.6.2018 and reg. 4(2) in force at 5.7.2018, see reg. 1(2)(a)

#### Marginal Citations

- M7** S.I. 2005/894, amended by S.I. 2011/988, 2016/738; there are other amending instruments but none is relevant.
- M8** OJ No L 150, 14.6.2017, p 1.
- M9** OJ No L 30, 6.2.1993, p 1, as repealed by Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ No L 190, 12.7.2006, p 1).
- M10** OJ No L 190, 12.7.2006, p 1, as last amended by Commission Regulation (EU) 2015/2002 (OJ No L 294, 11.11.2015, p 1).

### The Contaminated Land (England) Regulations 2006

5. In regulation 3(b)(ii) of the Contaminated Land (England) Regulations 2006<sup>M11</sup>, after “water policy” insert “, as last amended by Commission Directive 2014/101/EU<sup>M12</sup>”.

#### Marginal Citations

- M11** S.I. 2006/1380, amended by S.I. 2012/263; there are other amending instruments but none is relevant.
- M12** OJ No L 311, 31.10.2014, p 32.

### The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

6. In regulation 2(1) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007<sup>M13</sup>, in the definition “the Packaging Waste Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

**Marginal Citations**

**M13** [S.I. 2007/871](#), to which there are amendments not relevant to these Regulations.

**The Waste (England and Wales) Regulations 2011**

7. In regulation 3(1) of the Waste (England and Wales) Regulations 2011 <sup>M14</sup>, in the definition of “the Waste Framework Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

**Marginal Citations**

**M14** [S.I. 2011/988](#), amended by [S.I. 2016/738](#); there are other amending instruments but none is relevant.

**The Incidental Flooding and Coastal Erosion (England) Order 2011**

8. In article 3(4) of the Incidental Flooding and Coastal Erosion (England) Order 2011 <sup>M15</sup>—
- (a) in sub-paragraph (b), at the end insert “, as last amended by Council Directive 2013/17/EU <sup>M16</sup>”;
  - (b) in sub-paragraph (c), after “water policy” insert “, as last amended by Commission Directive 2014/101/EU”;
  - (c) after sub-paragraph (c) omit “and”;
  - (d) in sub-paragraph (d), at the end insert “, as amended by Council Directive 2013/17/EU”.

**Marginal Citations**

**M15** [S.I. 2011/2855](#), to which there are amendments not relevant to these Regulations.

**M16** OJ No L 158, 10.6.2013, p 193.

**The Bathing Water Regulations 2013**

9. In regulation 2(2) of the Bathing Water Regulations 2013 <sup>M17</sup>, after “water policy” insert “, as last amended by Commission Directive 2014/101/EU”.

**Marginal Citations**

**M17** [S.I. 2013/1675](#), to which there are amendments not relevant to these Regulations.

**The Nitrate Pollution Prevention Regulations 2015**

- 10.—(1) The Nitrate Pollution Prevention Regulations 2015 <sup>M18</sup> are amended as follows.
- (2) In regulation 2(3), in the definition of “Council Directive [98/83/EC](#) <sup>M19</sup>”, at the end insert “, as last amended by Commission Directive (EU) 2015/1787 <sup>M20</sup>”.
  - (3) In regulation 4(4), for the words from “in accordance with” to the end substitute “ by subtracting the amount of nitrite from the amount of total oxidised nitrogen (“TON”), where both nitrite and TON are calculated using the method known as molecular absorption spectrophotometry”.

#### Marginal Citations

- M18** [S.I. 2015/668](#), to which there are amendments not relevant to these Regulations.  
**M19** OJ No L 330, 5.12.1998, p 32, as last amended by Commission Directive (EU) 2015/1787 (OJ No L 260, 7.10.2015, p 6).  
**M20** OJ No L 260, 7.10.2015, p 6.

### The Environmental Damage (Prevention and Remediation) (England) Regulations 2015

**11.**—(1) The Environmental Damage (Prevention and Remediation) (England) Regulations 2015<sup>M21</sup> are amended as follows.

(2) In Schedule 1, in paragraph 5(3), for “the Conservation of Habitats and Species Regulations 2010<sup>M22</sup>” substitute “ the Conservation of Habitats and Species Regulations 2017<sup>M23</sup> ”.

(3) In Schedule 2, in paragraph 3(1)(e), at the end insert “ , as last amended by Council Regulation (EU) 2017/997 ”.

#### Commencement Information

- I2** [Reg. 11\(1\)\(2\)](#) in force at 1.6.2018 and reg. 11(3) in force at 5.7.2018, see [reg. 1\(2\)\(c\)](#)

#### Marginal Citations

- M21** [S.I. 2015/810](#), amended by [S.I. 2017/1177](#); there are other amending instruments but none is relevant.  
**M22** [S.I. 2010/490](#), revoked (with savings) by [S.I. 2017/1012](#).  
**M23** [S.I. 2017/1012](#).

### The Environmental Permitting (England and Wales) Regulations 2016

**12.**—(1) The Environmental Permitting (England and Wales) Regulations 2016 are amended as follows.

(2) In regulation 3, in the definition of “the Waste Framework Directive”, at the end insert “ , as last amended by Council Regulation (EU) 2017/997 ”.

(3) In Schedule 10, in paragraph 5—

- (a) in sub-paragraph (4), for the words from “Regulation” to the end substitute “ Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury<sup>M24</sup> ”;  
(b) omit sub-paragraph (5).

#### Commencement Information

- I3** [Reg. 12\(1\)\(3\)](#) in force at 1.6.2018 and reg. 12(2) in force at 5.7.2018, see [reg. 1\(2\)\(d\)](#)

#### Marginal Citations

- M24** OJ No L 137, 24.5.2017, p 1.

### The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

**13.** In Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017<sup>M25</sup>, in paragraph 9, for “of 19 November 2008 on waste” substitute “ on waste, as last amended by Council Regulation (EU) 2017/997, ”.

**Marginal Citations**

**M25** [S.I. 2017/571](#).

**The Water Abstraction (Transitional Provisions) Regulations 2017**

**14.** In regulation 9 of the Water Abstraction (Transitional Provisions) Regulations 2017<sup>M26</sup>, for paragraph (3) substitute—

“(3) In paragraph (1), an abstraction of more limited extent does not include—

- (a) a Qn95 hands-off flow constraint on a licence where the licensed abstraction is from a body of inland waters or a body of groundwater where the recent actual flow or quantitative status of the source of supply does not support good ecological potential, good ecological status or good quantitative status, or
- (b) 75% of Qn99 hands-off flow constraint on a licence where the licensed abstraction is from a body of inland waters or a body of groundwater where the recent actual flow or quantitative status of the source of supply supports good ecological potential, good ecological status or good quantitative status.”.

**Marginal Citations**

**M26** [S.I. 2017/1047](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Miscellaneous Amendments) (England) Regulations 2018, PART 2.