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STATUTORY INSTRUMENTS

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**2020 No. 460**

**The Harbours and Highways (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2020**

**Amendment of the Highways Act 1980**

**3.—(1)** Part VA of the Highways Act 1980(1) (environmental impact assessments) is amended as follows.

(2) In section 105ZA(1)(2) (interpretation)—

(a) in paragraph (b) in the definition of “the environment” after “protected under” insert “any law of any part of the United Kingdom which implemented”;

(b) for the definition of “environmental assessment” substitute—

““environmental assessment” means an assessment of the effect of anything on the environment if the assessment is carried out under—

(a) retained EU law, or

(b) any other law of any part of the United Kingdom, other than any law which implemented the Directive;”.

(3) After section 105ZA(1) insert—

“(1A) In this Part, references to provisions of the Directive are to be read as if—

(a) in Annex III—

(i) in point 2(c)(v), the reference to Member States were a reference to the Secretary of State;

(ii) in point 2(c)(vi), the reference to Union legislation were a reference to retained EU law;

(b) in Annex IV—

(i) in the text following point 5(g), the words “established at Union or Member State level” were omitted;

(ii) in point 8 the following were substituted for the second sentence—

“Relevant information available and obtained through risk assessments pursuant to retained EU law, such as any law of any part of the United Kingdom which implemented [Directive 2012/18/EU](#) of the European Parliament and of the Council or Council Directive 2009/71/Euratom, or relevant assessments undertaken under other domestic legislation may be used for this purpose provided that the requirements of any law of any part of the United Kingdom which implemented this Directive are met.””

(4) In section 105A(3) (screening of projects for constructing or improving highways)—

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(1) Part VA of the Highways Act 1980 (c. 66) was originally inserted by [S.I. 1988/1241](#), but substituted by [S.I. 1999/369](#). It was substantially substituted further by [S.I. 2017/1070](#).

(2) Section 105ZA was inserted by [S.I. 2017/1070](#), Schedule 2, paragraphs 1 and 2.

(3) Section 105A was substituted by [S.I. 2017/1070](#), Schedule 2, paragraphs 1 and 3.

- (a) in subsection (1)(a) for “falls within” substitute “is of a type specified in”;
  - (b) in subsection (1)(b) for “falling within” substitute “of a type specified in”;
  - (c) in subsection (3)(a) for “to be provided on the project under” substitute “described in”;
  - (d) in subsection (3)(b) before “in Annex III” insert “set out”.
- (5) In section 105AA(4) (exemptions)—
- (a) in subsection (1) for “does not fall within” substitute “is not of a type specified in”;
  - (b) in subsection (6)(d) for “another EEA state” substitute “an EEA state”.
- (6) In section 105AB(5) (publication of screening decisions: projects not to be subject to an environmental impact assessment)—
- (a) in subsection (1)(b) for “falling within” substitute “of a type specified in”;
  - (b) in subsection (3)(a) before “in Annex III” insert “set out”.
- (7) In section 105B(6) (publication of screening decision and environmental statement for projects subject to an environmental impact assessment)—
- (a) in subsection (1)(a) for “falls within” substitute “is of a type specified in”;
  - (b) in subsection (1)(b) for “falling within” substitute “of a type specified in”;
  - (c) in subsection (4)(f) before “specified in Annex IV” insert “of a type”;
  - (d) in subsection (6)(d)—
    - (i) for “falling with” substitute “of a type specified in”;
    - (ii) before “in Annex III” insert “set out”.
- (8) In section 105C(7) (other EEA States)—
- (a) in the heading omit “Other”;
  - (b) in subsection (1)(a) for “another EEA state” substitute “an EEA state”;
  - (c) in subsection (6) omit “, in accordance with Article 7(4) of the Directive”;
  - (d) in subsection (6A) for “(within the meaning of the Directive)” substitute “set up for that purpose”.

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(4) Section 105AA was inserted by [S.I. 2017/1070](#), Schedule 2, paragraphs 1 and 3.

(5) Section 105AB was inserted by [S.I. 2017/1070](#), Schedule 2, paragraphs 1 and 3.

(6) Section 105B was substituted by [S.I. 2017/1070](#), Schedule 2, paragraphs 1 and 4.

(7) Section 105C was substituted by [S.I. 1999/369](#) and amended by [S.I. 2007/1062](#), paragraph 4, and by the Infrastructure Act 2015 (c. 7) Schedule 1, Part 1, paragraphs 1, 32(1) and (6), and by [S.I. 2017/1070](#), Schedule 2, paragraphs 1 and 5.