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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 178**

**The Environmental Assessment (EU Exit)  
(Scotland) (Amendment) Regulations 2019**

**PART 3**

**Amendment of the Act to address deficiencies arising from the  
withdrawal of the United Kingdom from the European Union**

**Amendment of the Act to address deficiencies**

- 3.—**(1) The Act is amended in accordance with paragraphs (2) to (7).
- (2) In section 5(3)(b) (qualifying plans and programmes)(**1**), after “pursuant to” insert “any retained EU law extending to Scotland which implemented”.
- (3) In section 13 (relationship with EU law requirements)—
- (a) in the heading, after “**with**” insert “**other retained**”,
  - (b) in subsection (1), after “requirement under” insert “other retained”, and
  - (c) in subsection (2), after “provision of” insert “other retained”.
- (4) In section 14(4) (preparation of environmental report), for “EU legislation” substitute “other retained EU law”.
- (5) In schedule 1 (projects)(**2**), in paragraph 44(1), after “that Directive” insert “, as those expressions were construed immediately before exit day”.
- (6) In schedule 2 (criteria for determining the likely significance of effects on the environment)—
- (a) in paragraph 1(e), for “EU legislation” substitute “retained EU law”, and
  - (b) in paragraph 2, omit “, Community”.
- (7) In schedule 3 (information for environmental reports)(**3**)—
- (a) in paragraph 4, after “pursuant to” insert “any retained EU law extending to Scotland which implemented”, and
  - (b) in paragraph 5, for “, Community or Member State” substitute “or national”.

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(1) Section 5(3)(b) is amended by Part 2 of these Regulations.  
(2) Schedule 1 is amended by Part 2 of these Regulations.  
(3) Schedule 3 is amended by Part 2 of these Regulations.