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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 276**

**The Environmental Liability etc. (EU Exit)  
(Scotland) (Amendment) Regulations 2019**

**PART 4**

**Amendments to the Environmental Liability (Scotland)  
Regulations 2009: exiting the European Union**

- 4.—(1) The Environmental Liability (Scotland) Regulations 2009 are amended as follows.
- (2) For regulation 3 substitute—
- “3. For the purposes of these Regulations, a reference in any EU instrument referred to in these Regulations—
- (a) to the “European Union” or otherwise to the area to which that instrument applies is to be taken to include the United Kingdom,
- (b) to a “Member State” is to be taken to include the United Kingdom.”.
- (3) In regulation 4 (application)—
- (a) in paragraph (1)(b)(i), for “Article 4(7) of [Directive 2000/60/EC](#)” substitute “regulations 8 or 9 of the Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013(1)”,
- (b) in paragraph (1)(b)(ii), after “addressed through” insert “the retained EU law which implemented”,
- (c) in paragraph (5)(b), for “or higher, including the European Union” substitute “, or national or by reference to the natural range of the species”.
- (4) In regulation 15 (co-operation between competent authorities)—
- (a) in paragraph (1)(a), for “another” substitute “a”,
- (b) omit paragraph (3)(a).
- (5) In schedule 1 (activities for the purposes of regulation 4(1))—
- (a) after the heading, insert—

**“A1. Interpretation**

A reference in this schedule to an activity being authorised, prohibited or managed pursuant to, or subject to a permit, authorisation or registration under, a Directive includes, on or after exit day, any activity authorised, prohibited or managed pursuant to, or subject to a permit, authorisation or registration under, any retained EU law which transposed that Directive.”.

- (b) in paragraph 11, after “the European Union” insert “or into or out of the United Kingdom”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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