
STATUTORY INSTRUMENTS

2018 No. 1232

**The Environmental Assessments and Miscellaneous
Planning (Amendment) (EU Exit) Regulations 2018**

PART 3

Amendments to secondary legislation

Amendments to the Environmental Assessment of Plans and Programmes Regulations 2004

5.—(1) The Environmental Assessment of Plans and Programmes Regulations 2004⁽¹⁾ are amended as follows.

(2) In regulation 2(1)—

- (a) at the end of the definition of “the Environmental Assessment of Plans and Programmes Directive” add “, as it had effect immediately before exit day”; and
- (b) in the definition of “the Habitats Directive” for “as last amended by Council [Directive 97/62/EC](#)” substitute “as it had effect immediately before exit day”.

(3) In regulation 5—

- (a) in paragraph (2)(b), for “Council [Directive 85/337/EEC](#)⁽²⁾ on the assessment of the effects of certain public and private projects on the environment, as amended by Council [Directive 97/11/EC](#)⁽³⁾” substitute “[Directive 2011/92/EU](#)⁽⁴⁾ of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment”; and
- (b) in paragraph (3) after “pursuant to” insert “any law that implemented”.

(4) In regulation 12(4) for “EU legislation” substitute “retained EU law”.

(5) In regulation 14, in paragraphs (1) and (3)(a), for “another” substitute “a”.

(6) In regulation 15—

- (a) in the heading, omit “other”;
- (b) in paragraph (1), omit the words from “in that behalf” to “Directive”; and
- (c) in paragraph (4)—
 - (i) in sub-paragraph (b) for “under Article 7.1 of the Environmental Assessment of Plans and Programmes Directive” substitute “by the Member State”;
 - (ii) in sub-paragraph (d) for “under Article 7.1 of the Environmental Assessment of Plans and Programmes Directive” substitute “by the Member State”.

(7) In Schedule 1, in paragraph 1(e), for “EU legislation” substitute “retained EU law”.

(1) [S.I. 2004/1633](#), amended by [S.I. 2011/1043](#); there are other amending instruments but none is relevant to this instrument.
(2) OJ No L 175, 5.7.1985, p. 40.
(3) OJ No L 73, 14.3.1997, p. 5.
(4) OJ No L 26, 28.1.2012, p. 1

Status: This is the original version (as it was originally made).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

(8) In Schedule 2—

- (a) in paragraph 4, for the words “such as” to the end substitute “such as a European site (within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2017⁽⁵⁾)”; and
- (b) in paragraph 5, for “Member State” substitute “national”.