

SCHEDULE 1

Amendment of Titles 1 to 15

PART 14

Amendment of Title 15: Transitional and final provisions

87. In the heading of Title 15 omit “transitional and”.

Commencement Information

II Sch. 1 para. 87 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

88. Omit Article 128.

Commencement Information

I2 Sch. 1 para. 88 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

89.—(1) For Article 129 substitute—

“Article 129

Safeguard clause

- 1.** An appropriate authority may impose an appropriate provisional restriction in respect of a substance if that authority—
 - (a) has justifiable grounds for believing that urgent action is essential to protect human health or the environment in respect of the substance, on its own, in a mixture or in an article, even if satisfying the requirements of this Regulation, and
 - (b) has competence to impose the provisional restriction.
- 2.** If an appropriate authority imposes a provisional restriction in accordance with paragraph 1, it must—
 - (a) immediately inform the Agency and the other appropriate authorities, giving reasons for its decision and submitting the scientific or technical information on which the provisional restriction is based, and
 - (b) within three months of its decision, request the Agency to initiate the procedure under Article 69.
- 3.** When a decision has been reached under Article 73 (as part of the procedure under Article 69) the appropriate authority must revoke the provisional measure.
- 4.** In this Article “restriction” means a restriction on the placing on the market or use of a substance.
- 5.** The Secretary of State has competence to impose a provisional restriction if, or to the extent that, the exercise of that function to impose that restriction—
 - (a) relates to England;

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- (b) relates to Scotland and is not within devolved competence (within the meaning of section 54 of the Scotland Act 1998);
- (c) relates to Wales and is not within devolved competence (within the meaning of section 58A(7) and (8) of the Government of Wales Act 2006);
- ^{F1}(d)

6. The Scottish Ministers have competence to impose a provisional restriction if, or to the extent that, the exercise of that function to impose that restriction is within devolved competence (within the meaning of section 54 of the Scotland Act 1998).

7. The Welsh Ministers have competence to impose a provisional restriction if, or to the extent that, the exercise of that function to impose that restriction is within devolved competence (within the meaning of section 58A(7) and (8) of the Government of Wales Act 2006).

^{F1}8.

^{F1}9.”.

F1 Words in Sch. 1 para. 89(1) omitted (31.12.2020 immediately before IP completion day) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **4(24)**

Commencement Information

I3 Sch. 1 para. 89 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

90. In Article 130—

- (a) for “competent authorities,” substitute “ appropriate authorities and ”;
- (b) omit “and the Commission”.

Commencement Information

I4 Sch. 1 para. 90 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

91. For Article 131 substitute—

“Article 131

Amendments to the Annexes

1. The Secretary of State may, by regulations, make such amendments of the Annexes as the Secretary of State considers appropriate.

The Secretary of State must consider any request made by any of the other appropriate authorities for amendments of the Annexes to be made.

2. Regulations under this Article are to be made by statutory instrument; and a statutory instrument containing regulations under this Article is subject to annulment in pursuance of a resolution of either House of Parliament.

The function of making regulations under this Article is subject to the consent requirement in Article 4A.”.

Commencement Information

I5 Sch. 1 para. 91 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

92. For Article 132 substitute—

“Article 132

Implementing legislation

1. The Secretary of State may, by regulations, make such provision as the Secretary of State considers appropriate for putting the provisions of this Regulation efficiently into effect.

The Secretary of State must consider any request made by any of the other appropriate authorities for such provision to be made.

2. Regulations under this Article are to be made by statutory instrument; and a statutory instrument containing regulations under this Article is subject to annulment in pursuance of a resolution of either House of Parliament.

The function of making regulations under this Article is subject to the consent requirement in Article 4A.”.

Commencement Information

I6 Sch. 1 para. 92 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

93. After Article 132, insert—

“Article 132A

Regulations under this Regulation

Any power to make regulations under this Regulation includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.”.

Commencement Information

I7 Sch. 1 para. 93 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

94. Omit Articles 133 to 137.

Commencement Information

I8 Sch. 1 para. 94 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

95.—(1) Article 138 is amended as follows.

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- (2) For “Commission”, in each place it occurs, substitute “ Secretary of State ”.
- (3) In paragraph 1—
- [^{F2}(a) in the first sentence, for “By 1 June 2019” substitute “Within 18 months of [^{F3}IP completion day]”];
- (b) omit the second sentence;
- (c) after point (c) insert—
- “(d) the views of any appropriate authority.”;
- (d) in the final sentence, for “present legislative” substitute “ formulate ”.
- (4) In paragraphs 2 and 3, for “present legislative” substitute “ formulate ”.
- (5) Omit paragraphs 4 to 7.
- (6) In paragraph 8—
- [^{F4}(a) in the first sentence, for “By 1 June 2019” substitute “Within 18 months of [^{F3}IP completion day]”];
- (b) in the last sentence, for “present legislative” substitute “ formulate ”.
- (7) In paragraph 9—
- [^{F5}(a) for “by 1 June 2019” substitute “within 18 months of [^{F3}IP completion day]”];
- (b) for the final sentence substitute—
- “The Secretary of State may, by regulations, amend Annex 8 if the Secretary of State considers that it is appropriate to do so on the basis of this review, while ensuring a high level of protection of health and the environment.
- Regulations under this paragraph are to be made by statutory instrument; and a statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.
- The function of making regulations under this Article is subject to the consent requirement in Article 4A.”.

- F2** Sch. 1 para. 95(3)(a) substituted (31.12.2020 immediately before [S.I. 2020/1577, Pt. 2](#) comes into force) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) \(No. 3\) Regulations 2019 \(S.I. 2019/1144\)](#), regs. 1, [3\(6\)\(a\)](#) (as amended by [S.I. 2020/1577](#), regs. 1(1)(a), [13\(2\)](#))
- F3** Words in Sch. 1 substituted (31.12.2020 immediately before IP completion day) by [The Environment \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1313\)](#), regs. 1(3), [6\(2\)](#)
- F4** Sch. 1 para. 95(6)(a) substituted (31.12.2020 immediately before [S.I. 2020/1577, Pt. 2](#) comes into force) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) \(No. 3\) Regulations 2019 \(S.I. 2019/1144\)](#), regs. 1, [3\(6\)\(b\)](#) (as amended by [S.I. 2020/1577](#), regs. 1(1)(a), [13\(2\)](#))
- F5** Sch. 1 para. 95(7)(a) substituted (31.12.2020 immediately before [S.I. 2020/1577, Pt. 2](#) comes into force) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) \(No. 3\) Regulations 2019 \(S.I. 2019/1144\)](#), regs. 1, [3\(6\)\(c\)](#) (as amended by [S.I. 2020/1577](#), regs. 1(1)(a), [13\(2\)](#))

Commencement Information

- I9** Sch. 1 para. 95 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

- 96.** Omit Articles 140 and 141.

Changes to legislation: There are currently no known outstanding effects for the The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, PART 14. (See end of Document for details)

Commencement Information

I10 Sch. 1 para. 96 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, PART 14.