

SCHEDULE 3

Amendment of the Annexes and Appendices to the REACH Regulation

PART 1

The Annexes

Annex 17

13. Immediately before the Table insert—

“1. In this Annex “competent appropriate authority”, in relation to the exercise of a function under this Annex, means—

- (a) the Secretary of State if, or to the extent that, the exercise of the function—
 - (i) relates to England;
 - (ii) relates to Scotland and is not within devolved competence (within the meaning of section 54 of the Scotland Act 1998);
 - (iii) 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);
 - (iv) relates to Northern Ireland and is not within devolved competence in Northern Ireland;
- (b) the Scottish Ministers if, or to the extent that, the exercise of the function is within devolved competence (within the meaning of section 54 of the Scotland Act 1998);
- (c) the Welsh Ministers if, or to the extent that, the exercise of the function is within devolved competence (within the meaning of section 58A(7) and (8) of the Government of Wales Act 2006);
- (d) the Department of Agriculture, Environment and Rural Affairs and the Department for the Economy if, or to the extent that, the exercise of the function is within devolved competence in Northern Ireland.

2. For the purposes of paragraph 1(d), the exercise of a function (or its exercise in any way) is within devolved competence in Northern Ireland except so far as a provision of an Act of the Northern Ireland Assembly conferring the function (or, as the case may be, conferring it so as to be exercisable in that way) would be outside the legislative competence of the Assembly.

The reference in this paragraph to provision being outside the legislative competence of the Northern Ireland Assembly is to be read in accordance with section 6 of the Northern Ireland Act 1998.

Any provision that would be outside the legislative competence of the Northern Ireland Assembly unless the Secretary of State consented to it is to be regarded, for the purposes of this paragraph, as outside legislative competence.

When any function under this Annex is exercisable by the Department of Agriculture, Environment and Rural Affairs and the Department for the Economy as the competent appropriate authority, that function is to be exercised by both of those Departments acting jointly.”.