
STATUTORY INSTRUMENTS

2020 No. 1647

The Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020

PART 2

Retention of legislative functions: restriction of hazardous substances in electrical and electronic equipment

Consultation

8.—(1) Before making any regulations under this Part, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(2) The Secretary of State must publish a summary of the responses to a consultation under paragraph (1).

(3) A consultation on regulations under regulation 3(1) must contain at least the following information—

- (a) precise and clear wording of any proposed restriction, or amendment of a restriction;
- (b) references and scientific evidence for the restriction, or amendment of a restriction;
- (c) information on the use of the substance, or the group of similar substances, in EEE;
- (d) information on detrimental effects and exposure, in particular during waste EEE management operations;
- (e) information on possible substitutes and other alternatives, and on their availability and reliability;
- (f) justification for the proposed provision being the most appropriate measure;
- (g) a socioeconomic assessment of the effect of the proposed provision.

(4) Paragraph (1) does not apply—

- (a) to regulations under regulation 3(1) which are implementing a review of the list of restricted substances, if the Secretary of State has already consulted as part of that review, provided that such consultation satisfies the requirements in paragraph (3);
- (b) to regulations under regulation 5 if—
 - (i) the Secretary of State has already consulted in accordance with regulation 6(3)(d) or 10(9) before deciding to make the regulations; or
 - (ii) regulation 9(3)(b) or 10(8)(b) applies.