STATUTORY INSTRUMENTS

2018 No. 575

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The Environment, Food and Rural Affairs (Miscellaneous Amendments) (England) Regulations 2018

Made - - - -	*8th May 2018*
Laid before Parliament	*10th May 2018*
Coming into force	

provisions mentioned in regulation 1(2)(a) to (e)	*5th July 2018*
remainder	*1st June 2018*

The Secretary of State makes these Regulations in exercise of the powers conferred by—

(a) except so far as relating to regulations 14 and 15, section 2(2) of the European Communities Act 1972 [F1];

(b) so far as relating to regulation 14, sections 103(1) to (3) and 104(4) and (6) of the Water Act 2003 [F2];

(c) so far as relating to regulation 15, sections 16(1)(a) and 48(1)(c) of the Food Safety Act 1990 [F3].

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to—

(a) the common agricultural policy [F4];

(b) the environment [F5];

(c) measures in the veterinary and phytosanitary fields for the protection of public health [F6];

(d) measures relating to food (including drink) including the primary production of food [F7];

(e) measures relating to the control and regulation of genetically modified organisms [F8];

(f) measures relating to the prevention, reduction and elimination of pollution caused by waste [F9];

(g) medicinal products [F10].

So far as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act [F11].

There has been consultation, as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [F12], during the preparation and evaluation of these Regulations so far as they relate to food.

F1 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), **section 27(1)(a)** and the European Union (Amendment) Act 2008 (c. 7), the Schedule, Part 1. The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by S.I. 2002/794.

F2 2003 c. 37.

F3 1990 c. 16; sections 16(1)(a) and 48(1) were amended by the Food Standards Act 1999 (c. 28), **Schedule 5**, paragraph 8.

F4 S.I. 1972/1811, to which there are amendments not relevant to these Regulations. The designation in relation to the common agricultural policy extends to the common fisheries policy: under Article 38(1) of the Treaty on the Functioning of the European Union, the EU's common agricultural policy includes its common fisheries policy (OJ No L 133, 29.5.2015, p 1).

F5 S.I. 2008/301.

F6 S.I. 1999/2027.

F7 S.I. 2003/2901, to which there are amendments not relevant to these Regulations.

F8 S.I. 1991/755, to which there are amendments not relevant to these Regulations.

F9 S.I. 1992/2870, to which there are amendments not relevant to these Regulations.

F10 S.I. 1972/1811.
F11 Section 48(4A) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.
F12 OJ No L 31, 1.2.2002, p 1, as last amended by Regulation (EU) 2017/745 of the European Parliament and of the Council (OJ No L 117, 5.5.2017, p 1).

PART 1

Introduction

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Environment, Food and Rural Affairs (Miscellaneous Amendments) (England) Regulations 2018.

(2) They come into force on 1st June 2018, except for the following provisions which come into force on 5th July 2018—

(a) regulation 4(2);

(b) regulations 6 and 7;

(c) regulation 11(3);

(d) regulation 12(2);

(e) regulation 13.

(3) They extend to England and Wales.

(4) The following regulations apply in relation to England only—

(a) regulation 2;

(b) regulations 6 and 7;

(c) regulation 9;

(d) regulations 14 and 15;

(e) regulations 25 and 26;

(f) regulations 30 and 31.

(5) Regulation 12 applies to England and the sea adjacent to England out as far as the seaward boundary of the territorial sea.

(6) In paragraph (5), the sea adjacent to England has the same meaning as in regulation 1(4) and (5) of the Environmental Permitting (England and Wales) Regulations 2016 [F13].

F13 S.I. 2016/1154, to which there are amendments not relevant to these Regulations.

PART 2

Amendments to legislation concerning the environment

The Genetically Modified Organisms (Risk Assessment) (Records and Exemptions) Regulations 1996

2.—(1) The Genetically Modified Organisms (Risk Assessment) (Records and Exemptions) Regulations 1996 [F14] are amended as follows.

(2) In regulation 1(3)—

(a) after the definition of "the Act" omit "and";

(b) in the definition of "the Contained Use Regulations", for "the Genetically Modified Organisms (Contained Use) Regulations 2000 [F15]" substitute " the Genetically Modified Organisms (Contained Use) Regulations 2014 [F16] ".

(3) In regulation 3(2)—

(a) in sub-paragraph (b)(ii), for "regulation 3(2)" substitute " regulation 3(1) ";

(b) in sub-paragraph (d), for "the Genetically Modified Organisms (Deliberate Release) Regulations 1992 [F17]" substitute " the Genetically Modified Organisms (Deliberate Release) Regulations 2002 [F18] ".

F14 S.I. 1996/1106, amended by S.I. 2000/2831; there are other amending instruments but none is relevant.
F15 S.I. 2000/2831, revoked by S.I. 2001/2626, 2005/2466, 2014/1663.
F16 S.I. 2014/1663, to which there are amendments not relevant to these Regulations.
F17 S.I. 1992/3280, revoked in relation to England by S.I. 2002/2443.
F18 S.I. 2002/2443, to which there are amendments not relevant to these Regulations.

The Genetically Modified Organisms (Deliberate Release) Regulations 2002

3.—(1) The Genetically Modified Organisms (Deliberate Release) Regulations 2002 are amended as follows.

(2) In regulation 2, in the definition of "the Contained Use Directive", for the words from "Council Directive" to the end substitute " Directive 2009/41/EC of the European Parliament and of the Council on the contained use of genetically modified micro-organisms [F19] ".

(3) For regulation 12(4)(c) substitute—

"(c) any person, or member of a genetic modification safety committee, from whom advice must be obtained under regulation 8 of the Genetically Modified Organisms (Contained Use) Regulations 2014,".

F19 OJ No L 125, 21.5.2009, p 75.

The Hazardous Waste (England and Wales) Regulations 2005

4.—(1) The Hazardous Waste (England and Wales) Regulations 2005 [F20] are amended as follows.

(2) In regulation 2(1)(a), at the end insert " , as last amended by Council Regulation (EU) 2017/997 [F21] ".

(3) In regulation 12(3), for "Council Regulation 259/93/EEC [F22]" substitute " Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste [F23] ".

(4) In Schedule 7, in paragraph 1(b), for the words from "the Annex" to "1994" substitute " Annex 1A to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste ".

F20 S.I. 2005/894, amended by S.I. 2011/988, 2016/738; there are other amending instruments but none is relevant.
F21 OJ No L 150, 14.6.2017, p 1.

F22 OJ No L 30, 6.2.1993, p 1, as repealed by Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ No L 190, 12.7.2006, p 1).
F23 OJ No L 190, 12.7.2006, p 1, as last amended by Commission Regulation (EU) 2015/2002 (OJ No L 294, 11.11.2015, p 1).

Commencement Information
I1 Reg. 4(1)(3)(4) in force at 1.6.2018 and reg. 4(2) in force at 5.7.2018, see reg. 1(2)(a)

The Contaminated Land (England) Regulations 2006

5. In regulation 3(b)(ii) of the Contaminated Land (England) Regulations 2006 [F24], after "water policy" insert " , as last amended by Commission Directive 2014/101/EU [F25] ".

F24 S.I. 2006/1380, amended by S.I. 2012/263; there are other amending instruments but none is relevant.
F25 OJ No L 311, 31.10.2014, p 32.

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

6. In regulation 2(1) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 [F26], in the definition "the Packaging Waste Directive", at the end insert " , as last amended by Council Regulation (EU) 2017/997 ".

F26 S.I. 2007/871, to which there are amendments not relevant to these Regulations.

The Waste (England and Wales) Regulations 2011

7. In regulation 3(1) of the Waste (England and Wales) Regulations 2011 [F27], in the definition of "the Waste Framework Directive", at the end insert " , as last amended by Council Regulation (EU) 2017/997 ".

F27 S.I. 2011/988, amended by S.I. 2016/738; there are other amending instruments but none is relevant.

The Incidental Flooding and Coastal Erosion (England) Order 2011

8. In article 3(4) of the Incidental Flooding and Coastal Erosion (England) Order 2011 [F28]—

(a) in sub-paragraph (b), at the end insert " , as last amended by Council Directive 2013/17/EU [F29] ";

(b) in sub-paragraph (c), after "water policy" insert " , as last amended by Commission Directive 2014/101/EU ";

(c) after sub-paragraph (c) omit "and";

(d) in sub-paragraph (d), at the end insert " , as amended by Council Directive 2013/17/EU ".

F28 S.I. 2011/2855, to which there are amendments not relevant to these Regulations.
F29 OJ No L 158, 10.6.2013, p 193.