STATUTORY INSTRUMENTS

2018 No. 287

ENVIRONMENTAL PROTECTION LICENSING (MARINE) MARINE MANAGEMENT

The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018

Made - - - -	*27th February 2018*
Laid before Parliament	*5th March 2018*
Coming into force - -	*1st April 2018*

The Secretary of State makes these Regulations, with the consent of the Treasury, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by section 56(1) of the Finance Act 1973(**1**).

The Secretary of State is a Minister designated for purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the environment(**3**).

Citation and commencement

1. These Regulations may be cited as the Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 and come into force on 1st April 2018.

Amendments to the Marine Works (Environmental Impact Assessment) Regulations 2007

2.—(1) The Marine Works (Environmental Impact Assessment) Regulations 2007(**4**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) in the definition of "appropriate authority"—

(i) for paragraph (b)(iii) substitute—

(**1**) 1973 c. 51; section 56(1) was amended by S.I. 2011/1043.
(**2**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(**3**) S.I. 2008/301.
(**4**) S.I. 2007/1518, amended by S.I. 2009/2258, 2011/735, 2015/446, 2017/588 and by SSI 2017/115; there are other amending instruments but none is relevant.

"(iii) as regards harbour works relating to harbours that are wholly in Wales, other than harbours that are reserved trust ports, the Welsh Ministers;"; and

(ii) for the words after paragraph (b)(iv) substitute—

"and—

(a) for the purpose of paragraph (a), "devolved authority" means any Northern Ireland Department, the Scottish Ministers or the Welsh Ministers; and

(b) for the purpose of paragraph (b)(iii), "reserved trust port" has the meaning given by section 32 of the Wales Act 2017(**5**);";

(b) omit the definition of "fishery harbour";

(c) in the definition of "relevant authority"—

(i) in paragraph (d), for "Wales" substitute "the Welsh inshore region or the Welsh offshore region (or both)";

(ii) after paragraph (d) insert—

"(da) where the regulated activity is likely to have a significant effect on the environment of the Welsh offshore region and the appropriate authority is not the Secretary of State, the Secretary of State;"; and

(iii) after paragraph (f) insert—

"and for the purposes of paragraphs (d) and (da), "Welsh inshore region" and "Welsh offshore region" have the meanings given by section 322(1) of the 2009 Act;"; and

(d) in the definition of "relevant offshore region"—

(i) in paragraph (a), at the end insert "or"; and

(ii) omit paragraph (b).

(3) In regulation 3 (fees)—

(a) in paragraphs (4)(a) and (d), omit "with the consent of the Treasury"; and

(b) in paragraph (4)(b), for the words from ", with the consent of" to the end substitute "with the consent of the Secretary of State;".

Amendments to the Marine Strategy Regulations 2010

3.—(1) The Marine Strategy Regulations 2010(**6**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) in the definition of "competent authority"—

(i) in paragraph (b), after "region" insert "and the Welsh offshore region"; and

(ii) in paragraph (c), for "Department of the Environment" substitute "Department of Agriculture, Environment and Rural Affairs";

(b) in the definition of "devolved marine area"—

(i) in paragraph (b), after "region" insert "and the Welsh offshore region"; and

(ii) in paragraph (c), for "Department of the Environment" substitute "Department of Agriculture, Environment and Rural Affairs";

(**5**) 2017 c. 4; section 32 comes into force on 1st April 2018.
(**6**) S.I. 2010/1627, to which there are amendments not relevant to these Regulations.