

## UK MINISTERS ACTING IN DEVOLVED AREAS

### **144 - The Storage of Carbon Dioxide (Amendment and Power to Modify) (EU Exit) Regulations 2018**

*Laid in the UK Parliament: 17 December 2018*

#### **Sifting**

Subject to sifting in UK Parliament?	No
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 42
SICM under SO 30A (because amends primary legislation)	N/A

#### **Scrutiny procedure**

Outcome of sifting	N/A
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	09 January 2019
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	15 January 2019

#### **Commentary**

These Regulations are proposed to be made by the UK Government pursuant to section 2(2) of the European Communities Act 1972 and section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide ("the CCS Directive") establishes a legal framework for the environmentally safe geological storage of carbon dioxide. These Regulations amend secondary legislation which forms part of the United Kingdom's implementation of the CCS Directive. The Regulations address failures of retained EU law to operate effectively and other deficiencies arising due to the United Kingdom's withdrawal from the European Union. They also makes two minor amendments unrelated to the United Kingdom's withdrawal from the European Union correcting outdated and incorrect cross-references.

Legal Advisers agree with the statement laid by the Welsh Government dated 29 July 2019 regarding the effect of these Regulations.

The letter dated 26 July 2019 from the Counsel General explains why the written statement has been made in 2019.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.