

# **SL(6)473 – The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) (Amendment) Regulations 2024**

## **Background and Purpose**

These Regulations clarify technical language in existing domestic legislation for polychlorinated biphenyls (“PCBs”). In 2020, amendments were made to the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000 (“the 2000 Regulations”) to reflect a new Stockholm Convention and EU requirement to remove equipment containing volumes of PCBs over a certain threshold before the end of 2025. Stakeholders subsequently highlighted that there was some ambiguity in the language introduced to the 2000 Regulations by those 2020 amendments.

The amendments made by these Regulations are considered necessary to provide clarity to stakeholders around references to volumes of PCBs in equipment, by removing any ambiguity over which pieces of equipment must be removed from use by the 2025 deadline.

## **Procedure**

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

## **Technical Scrutiny**

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

### **1. Standing Order 21.2(ix) – that it is not made or to be made in both English and Welsh**

These Regulations have been laid before Senedd Cymru and the United Kingdom Parliament. The Regulations have been made in English only. The Welsh Government’s Explanatory Memorandum states as follows (at paragraphs 2.2 and 2.3):

*The 2024 Regulations are being made on a composite basis. This is being done to maintain a consistent statute book for businesses operating in England and Wales. There is no policy divergence, and the amendments being made by the 2024 Regulations are to an existing*



*English language statutory instrument covering England and Wales. The amendments are to clarify the meaning of existing regulations and do not constitute policy change for either the Welsh or UK Government.*

*As the 2024 Regulations will be subject to UK Parliamentary scrutiny, it is not considered reasonably practicable for the 2024 Regulations to be made or laid bilingually.*

## **Merits Scrutiny**

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

## **Welsh Government response**

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**8 April 2024**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

—

Welsh Parliament

**Legislation, Justice and Constitution Committee**