

EXPLANATORY MEMORANDUM TO

THE CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT (AMENDMENT) (EU EXIT) REGULATIONS 2020

2020 No. [XXXX]

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Act.
- 1.2 This memorandum contains information for the Sifting Committees.

2. Purpose of the instrument

- 2.1 This instrument further amends the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (S.I. 2009/1348) (“the 2009 GB Regulations”), the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 (S.R. 2010 No. 160) (“the 2010 NI Dangerous Goods Regulations”) and the Carriage of Explosives Regulations (Northern Ireland) 2010 (S.R. 2010 No. 59) (“the 2010 NI Explosives Regulations”), to ensure that the UK has a functioning statute book at the end of the implementation period. These Regulations, where necessary, are referred to collectively in this memorandum as “the three Regulations”.

This instrument will amend references predicated on the UK being a Member State of the European Union (“EU”), maintain the dangerous goods regulatory framework and the international process behind it, including the power for the Secretary of State for Transport or the Health and Safety Executive for Northern Ireland to grant authorisations and implement derogations from the standards imposed by the Dangerous Goods¹ and Transportable Pressure Equipment² (“TPE”) Directives. It will also maintain recognition of the EU pi marking for TPE and allow for the optional use of a UK ‘rho’ marking for TPE either manufactured in the UK or imported and conformity assessed in the UK by appointed inspection bodies.

Explanations

What did any relevant EU law do before exit day?

- 2.2 The 2009 GB Regulations transposed Directive 2008/68/EC and, following amendments made by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 (S.I. 2011/1885), Directive 2010/35/EU (collectively referred to as “the Directives”). The Directives, in turn, implemented, in the EU, the dangerous goods agreements that are negotiated at the United Nations (under the United Nations Economic Commission for Europe). The Directives provide for the safe and secure transport of dangerous goods by road and

¹ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods.

² Directive 2010/35/EC of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC

rail, allow the application of derogations, place obligations upon those involved in the transportable pressure equipment industry, provide for the appointment of notified bodies to certify and carry out inspections on such equipment and mandates the use of the pi marking to confirm conformity.

The 2010 NI Dangerous Goods Regulations and 2010 NI Explosives Regulations performed the same function in respect of Northern Ireland; the Department for the Economy being responsible for the former and the Department of Justice for the latter.

Why is it being changed?

- 2.3 The requirements for those involved in the carriage of dangerous goods by road and rail within the UK are not being changed by this instrument. The requirements for those operating in the transportable pressure equipment industry will be amended so that what were, prior to this instrument, notified bodies from the UK, can continue their role as appointed bodies for TPE that is either for non-EU use or for transporting dangerous goods between the UK and the EU to the extent permitted by Article 4 of the Dangerous Goods Directive. It will also confirm GB and Northern Irish continued recognition of the pi marking and introduce the optional use on the non-EU market of the ‘rho’ marking for UK conformity assessed TPE.

What will it now do?

- 2.4 The three Regulations, as amended by this instrument, will continue to function as before by ensuring that the regulatory framework for the carriage of dangerous goods by road and rail will remain in place at the end of the implementation period (“IP completion day”). The amendments made by this instrument will revise references predicated on the UK being a member State of the EU and retain the power for the Secretary of State for Transport or the Health and Safety Executive for Northern Ireland to grant authorisations and implement derogations approved prior to IP completion day. Amendments made to the 2009 GB Regulations and the 2010 NI Dangerous Goods Regulations will maintain recognition of the EU pi marking, and conformity assessments and inspections conducted by notified bodies and allow for the optional use of a UK ‘rho’ marking for TPE which has been conformity assessed in the UK by UK appointed bodies.

3. Matters of special interest to Parliament

Matters of special interest to the Sifting Committees

- 3.1 The instrument is being laid in draft for sifting by the Sifting Committees, pursuant to paragraph 3 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) (“the Withdrawal Act”).

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom. Part 1 applies to the United Kingdom, Part 2 to Great Britain and Part 3 to Northern Ireland.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 The Withdrawal Act (as amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1)) will make provision for repealing the European Communities Act 1972, will convert EU law as it stood immediately before IP completion day into domestic law and preserve laws made in the UK to implement EU obligations. The Withdrawal Act also contains powers to make secondary legislation to enable Ministers and the devolved administrations to fix deficiencies in retained EU law, to ensure that the UK's legal system continues to function properly outside of the EU.

6.2 The three Regulations transposed Directive 2008/68/EC in Great Britain and Northern Ireland. They were amended in Great Britain by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 and in Northern Ireland by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011 No. 365) and the Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012 No. 177), all of which transposed Directive 2010/65/EU. The 2009 GB Regulations and 2010 NI Dangerous Goods Regulations have been further amended by the Carriage of Dangerous Goods (Amendment) Regulations 2019 (S.I. 2019/598) and The Carriage of Dangerous Goods (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019 No. 111) respectively, which transposed Directive 2013/59/Euratom³. This Directive required no amendments to be made to the 2010 NI Explosives Regulations.

6.3 The three Regulations, as amended, adopted, with some variations, Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road⁴ (commonly known as and referred to in the Regulations as “ADR”) and the Annex to the Regulation concerning the International Carriage of Dangerous Goods by Rail⁵ (“RID”). They also implement, to a limited extent, the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway⁶, where this relates to the training and examination systems for safety advisers and the connected issuing and renewal of vocational driver certificates.

³ Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom.

⁴ <http://www.unece.org/trans/danger/publi/adr/adr2019/19contentse.html>. A copy can be purchased from The Stationery Office (<https://www.tsoshop.co.uk> or 0333 200 2425) or made available for inspection at either:

- a. The Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR; or
- b. The Health and Safety Executive for Northern Ireland, 83 Ladas Drive, Belfast, BT6 9FR.

⁵ <http://otif.org/fileadmin/new/3-Reference-Text/3B-RID/RID%202019%20E.pdf>. A copy can be purchased from The Stationery Office or made available for inspection at the two addresses identified in footnote 4.

⁶ http://www.unece.org/trans/danger/publi/adn/adn2017/19files_e.html. A copy can be purchased from The Stationery Office or made available for inspection at the two addresses identified in footnote 4.

- 6.4 The 2009 GB Regulations and 2010 NI Dangerous Goods Regulations imposed obligations upon manufacturers, importers, distributors, owners and operators of TPE, including the use of the pi marking to indicate conformity with standards and periodic inspection requirements. They also provided for the appointment of inspection bodies, known as notified bodies.
- 6.5 This instrument is being introduced pursuant to powers contained in the Withdrawal Act to ensure that the three Regulations continue to function appropriately in respect of Great Britain and Northern Ireland on IP completion day, removing deficiencies that would otherwise arise.

7. Policy background

What is being done and why?

- 7.1 The specific deficiencies arising on IP completion day that this instrument corrects are set out below.
- 7.2 A number of terms within the 2009 GB Regulations and 2010 NI Dangerous Goods Regulations are defined with reference to the definitions contained within Directive 2010/35/EU in the context of the UK being a member State of the EU. This instrument inserts the new definitions “conformity assessment”, “distributor”, “importer”, “making available on the market”, “manufacturer”, “notified body”, “operator”, “owner” and “placing on the market” to remedy this deficiency. A number of provisions also refer to the term “relevant member State” so, where the use includes the UK, a further new definition, “relevant territory”, which means Great Britain, Northern Ireland or a member State of the EU, replaces references to “relevant member State”.
- 7.3 The 2009 GB Regulations and 2010 NI Dangerous Goods Regulations place a duty upon UK manufacturers, importers and distributors who, upon discovering that TPE they have placed on the market of the UK or EU presents a risk, must immediately inform the relevant competent authority in Great Britain, Northern Ireland and EU member States of this risk. They are also required to respond to requests from these competent authorities for information and documents necessary to demonstrate that their TPE complies with standards. Given the safety-critical nature of these duties, this instrument preserves them for pi marked TPE. As UK TPE has not been placed or made available on the EU market, the duty extends only to cooperating with the GB and Northern Ireland competent bodies. An exception to this approach applies to manufacturers who become aware of risks posed by their equipment, in which case they must inform the competent authorities for all relevant territories upon which the equipment has been placed.
- 7.4 At present, the 2009 GB Regulations and 2010 NI Dangerous Goods Regulations provide that TPE conformity assessments, reassessments of historic TPE previously assessed under previous regimes, periodic inspections and, where required, intermediate inspections, are conducted by notified bodies. These bodies are approved by EU member States who then notify the Commission of the appointment. If neither the Commission nor an EU member State object to the appointment, the body becomes a “notified body” and is allocated an identification number by the Commission. Notified bodies are required to be established in an EU member State. To ensure that the approximately 35 existing notified bodies based only in the UK at the current time are able to continue conducting periodic assessments after IP

completion day, this instrument provides for the appointment of and allocation of an identification number to “appointed bodies” in Great Britain under the 2009 GB Regulations and the recognition of such bodies appointed in Northern Ireland. The 2010 NI Dangerous Goods Regulations mirror this approach.

- 7.5 Appointed bodies will be able to conduct periodic and intermediate inspections of transportable pressure equipment used either on the market outside of the EU or for transporting ADR or RID-compliant dangerous goods between the UK and the EU to the extent permitted by Article 4 of the Dangerous Goods Directive. No fee will be charged for notified bodies that wish to become appointed bodies. This instrument will also provide a mechanism for transferring the existing identification number issued by the Commission to UK notified bodies to UK appointed bodies, in both Great Britain and Northern Ireland.
- 7.6 Under the 2009 GB Regulations, the 2010 NI Dangerous Goods Regulations and Directive 2010/35/EU, conformity assessments on new TPE conducted by notified bodies conclude with the TPE being stamped with the pi marking. To maintain safety standards of TPE on the market in the UK, the revised instrument still requires TPE to meet the same standards as pi marked TPE. However, as UK based notified bodies will cease to be able to conformity assess TPE manufactured in the UK, the amended instrument allows for the optional use of the UK only ‘rho’ marking which places the same obligations and requirements for the manufacture and conformity assessment of TPE on the non-EU market by UK based appointed bodies. This approach is intended to limit the effect on the business of UK notified bodies following IP completion day. The ‘rho’ marking consists of the Greek letter ‘rho’ taking the form shown in Schedule 1 of this instrument (in respect of Great Britain) and Schedule 2 (in respect of Northern Ireland).
- 7.7 This instrument also makes minor amendments to the 2010 NI Explosives Regulations to preserve existing derogations, make it clear that references to the Directives will no longer ambulate after IP completion day and remove a reference to the UK being an EEA state.
- 7.8 This instrument applies to the carriage of dangerous goods, the regulation of which is made under powers provided by the Health and Safety at Work etc. Act 1974. Health and Safety is a transferred matter for Northern Ireland under section 4 of the Northern Ireland Act 1998. In the absence of a Northern Ireland Executive, to ensure a functioning statute book across the UK including Northern Ireland, UK Government Ministers had decided that in the interest of legal certainty in Northern Ireland, the UK Government would take through the necessary secondary legislation at Westminster for Northern Ireland, in close consultation with the Northern Ireland departments. Following the recent formation of a new Northern Ireland Executive, the Department for the Economy and the Department of Justice have both been consulted and each has confirmed that they are content for this UK Government EU exit instrument to amend the 2010 NI Dangerous Goods Regulations and the 2010 NI Explosives Regulations.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument is being made using the power in section 8 of the Withdrawal Act in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union. The instrument is also made under the section 23(1) and paragraph 21(b) of Schedule 7

powers in that Act. In accordance with the requirements of that Act the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

- 9.1 This instrument amends the 2009 GB Regulations, which were previously amended by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 and the Carriage of Dangerous Goods (Amendment) Regulations 2019. A review of these instruments will be undertaken after IP completion day with a view to consolidating legislation in this area.
- 9.2 The subject matter of the 2010 NI Dangerous Goods Regulations and the 2010 NI Explosives Regulations is devolved. It will be for the Department for the Economy and the Department of Justice to determine whether consolidation of those instruments is necessary.

10. Consultation outcome

- 10.1 A public consultation was conducted between 9th August and 6th September 2018. It was publicly available at <https://www.gov.uk/government/consultations/carriage-of-dangerous-goods-and-use-of-transportable-pressure-equipment-reference-changes>. Copies were also sent to stakeholders, including Industry Associations (e.g. the Road Haulage Association, the Chemical Business Industry, the British Aerosol Manufacturers Association and the Institute of Explosives Engineers), other Government Departments and Agencies (e.g. the Ministry of Defence, the Vehicle Certification Agency, the Health and Safety Executive and the Maritime and Coastguard Agency), and individual safety advisors and businesses covering a wide range of UK industry in the carriage of dangerous goods sector. The Northern Ireland Department of Justice and the Health and Safety Executive for Northern Ireland were also consulted.
- 10.2 Seven responses to the consultation were received. The respondents were supportive of the proposed instrument that was presented. None felt that it involved any significant benefits or disbenefits to the industry.
- 10.3 One respondent asked about TPE and how the current EU derived system for the approval of new TPE and inspection of in-service TPE will be handled as result of EU exit, particularly if there is a no deal situation. The Department has responded to this query by including, in regulations 19 and 42 of this instrument, provisions to ensure that notified bodies based only in Great Britain and/or Northern Ireland, will continue to have a role in the intermediate and periodic inspection of UK TPE.
- 10.4 The full consultation and response can be found on the above website, or copies can be made available for inspection through the contact identified at paragraph 15.1.
- 10.5 In June 2019 the optional introduction of the ‘rho’ marking into the instrument was subject to a separate informal consultation with those affected such as UK manufacturers of TPE and existing UK notified bodies. No concerns were raised from this consultation and, as the ‘rho’ marking allows those notified bodies who do not wish to re-register with an EU member State the option to remain based in the UK and apply the ‘rho’ marking instead, it was considered by consultees to be a welcome amendment to the instrument.

11. Guidance

- 11.1 Public guidance is not required for this instrument, because there will be no changes to the regulatory requirements in the UK as a result of it. However, due to the introduction of the 'rho' marking, guidance will be prepared for the UK enforcers of the instrument to ensure that there are no issues with its implementation. Once produced, this will be available at www.gov.uk and copies can be made available for inspection through the contact identified at paragraph 15.1.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because it deals with maintaining existing regulatory standards.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 No specific action is proposed to minimise regulatory burdens on small businesses because this instrument will not introduce any additional regulatory requirements.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is provided by regulation 34 of the 2009 GB Regulations. This will continue to apply save that, by virtue of paragraph 9(1) of Schedule 8 to the European Union (Withdrawal) Act 2018, the Secretary of State will (upon commencement of that paragraph) no longer be required to have regard to how any former EU obligation is implemented elsewhere than in the United Kingdom. There is no equivalent review provision in either the 2010 NI Dangerous Goods Regulations or 2010 NI Explosives Regulations.
- 14.2 As this instrument is made under the EU Withdrawal Act 2018, no review clause is required.

15. Contact

- 15.1 Helen North at the Department for Transport. Telephone: 07977 436937. Email: Helen.north@dft.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Ben Rimmington, Co-Director for the dangerous goods policy area, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Rachel Maclean MP, Parliamentary Under Secretary of State at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.

Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and 23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	Set out the ‘good reasons’ for creating a criminal offence, and the penalty attached.
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister’s opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument’s effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority’s response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

1. Sifting statement(s)

- 1.1 The Parliamentary Under Secretary of State, Rachel Maclean MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure).”

- 1.2 This is the case because this legislation does not make any changes to the regulatory requirements within the UK, instead maintaining the regulatory framework that currently exists until IP completion day. This is covered in detail in sections 2, 6 and 7 and sub-section 12.3 of this Explanatory Memorandum. Moreover, the instrument contains no provisions falling within the scope of paragraph 1(2) of Schedule 7 to the European Union (Withdrawal) Act 2018, such that it would be required to be approved by a resolution of each House of Parliament.

2. Appropriateness statement

- 2.1 The Parliamentary Under Secretary of State, Rachel Maclean MP has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 does no more than is appropriate.”

- 2.2 This is the case because this instrument does not make any changes to the regulatory requirements within the UK, instead maintaining after IP completion day the regulatory framework that currently exists. This is covered in detail in sections 2, 6 and 7 and sub-section 12.3.

3. Good reasons

- 3.1 The Parliamentary Under Secretary of State, Rachel Maclean MP has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action.”

- 3.2 These are that we are making appropriate amendments to domestic legislation to address deficiencies arising from the withdrawal of the UK from the EU. The amendments are limited to achieving that purpose. This is covered in detail in sections 6 and 7 of this Explanatory Memorandum.

4. Equalities

- 4.1 The Parliamentary Under Secretary of State, Rachel Maclean MP has made the following statement(s):

“The instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.”

- 4.2 The Parliamentary Under Secretary of State, Rachel Maclean MP has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In relation to the instrument, I, Rachel Maclean MP, have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”

5. Explanations

- 5.1 The explanations statement has been made in section 2 of the main body of this explanatory memorandum.