

SCHEDULE 2

Regulation 3

Amendments of secondary legislation

The Urban Waste Water Treatment (Scotland) Regulations 1994

1.—(1) The Urban Waste Water Treatment (Scotland) Regulations 1994⁽¹⁾ are amended as follows.

(2) In regulation 5(8), in the definition of “appropriate treatment”, for “retained EU” substitute “assimilated”.

(3) In Part 1 of schedule 1, in sub-paragraph (c), for “retained EU” substitute “assimilated”.

(4) In Part 1 of schedule 3, in paragraph 4, for “retained EU” substitute “assimilated”.

(5) In schedule 4, for “retained EU” substitute “assimilated”.

The Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002

2.—(1) The Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002⁽²⁾ are amended as follows.

(2) In regulation 29A(7)(b), for “retained EU” substitute “assimilated”.

(3) In regulation 29A(7)(e), for “retained EU” substitute “assimilated”.

(4) In schedule 1, paragraph 6(4)(a)(i), for “retained EU” substitute “assimilated”.

(5) In schedule 1, paragraph 6(4)(b)(i), for “retained EU” substitute “assimilated”.

(6) In schedule 3, paragraph 12(a), for “retained EU” substitute “assimilated”.

The Landfill (Scotland) Regulations 2003

3.—(1) The Landfill (Scotland) Regulations 2003⁽³⁾ are amended as follows.

(2) In regulation 10(3)(b)(i), for “retained EU” substitute “assimilated”.

(3) In regulation 11(2A)(b), for “retained EU” substitute “assimilated”.

The Food Supplements (Scotland) Regulations 2003

4. In regulation 5(2)(a) of the Food Supplements (Scotland) Regulations 2003⁽⁴⁾, for “retained EU” substitute “assimilated”.

The Water Environment (Register of Protected Areas) (Scotland) Regulations 2004

5.—(1) The Water Environment (Register of Protected Areas) (Scotland) Regulations 2004⁽⁵⁾ are amended as follows.

(2) In Part 1 of schedule 1(1)—

(a) in paragraph 2(b), for “retained EU” substitute “assimilated”.

(b) in paragraph 2(c)(i), for “retained EU” substitute “assimilated”.

(c) in paragraph 2(c)(ii), for “retained EU” substitute “assimilated”.

(1) S.I. 1994/2842, relevantly amended by S.S.I. 2019/26.

(2) S.S.I. 2002/541, relevantly amended by S.S.I. 2019/57, S.S.I. 2019/86 and S.S.I. 2022/361.

(3) S.S.I. 2003/235, relevantly amended by S.S.I. 2009/247 and S.S.I. 2019/26.

(4) S.S.I. 2003/278, relevantly amended by S.S.I. 2019/54.

(5) S.S.I. 2004/516, relevantly amended by S.S.I. 2022/138.

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(d) in paragraph 3, for “retained EU” substitute “assimilated”.

The Fodder Plant Seed (Scotland) Regulations 2005

6. In regulation 2(1) of the Fodder Plant Seed (Scotland) Regulations 2005(6) for “retained EU” substitute “assimilated”.

The Food Hygiene (Scotland) Regulations 2006

7. In schedule 2 of the Food Hygiene (Scotland) Regulations 2006(7), in the entry relating to Article 6(1) of Regulation 852/2004, for “retained EU” substitute “assimilated”.

The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006

8. In regulation 24(1)(b) of the Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006(8), for “retained EU” substitute “assimilated”.

The Welfare of Animals (Transport) (Scotland) Regulations 2006

9. In regulation 23(d) of the Welfare of Animals (Transport) (Scotland) Regulations 2006(9), for “retained EU” substitute “assimilated”.

The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007

10. In paragraph 6 of schedule 1 of the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007(10) for “retained EU” substitute “assimilated”.

The Bathing Waters (Scotland) Regulations 2008

11. In regulation 4(9)(a) of the Bathing Waters (Scotland) Regulations 2008(11), for “retained EU” substitute “assimilated”.

The Law Applicable to Non-Contractual Obligations (Scotland) Regulations 2008

12. In regulation 4 of the Law Applicable to Non-Contractual Obligations (Scotland) Regulations 2008(12), for “retained direct EU” substitute “assimilated direct”.

The Environmental Liability (Scotland) Regulations 2009

13.—(1) The Environmental Liability (Scotland) Regulations 2009(13) are amended as follows.

(2) In regulation 4(1)(b)(ii), for “retained EU” substitute “assimilated”.

(3) In schedule 1, paragraph A1, for “retained EU” substitute “assimilated”.

(6) S.S.I. 2005/329, relevantly amended by S.S.I. 2019/59.

(7) S.S.I. 2006/3, relevantly amended by S.S.I. 2019/52.

(8) S.S.I. 2006/337, relevantly amended by S.S.I. 2019/71.

(9) S.S.I. 2006/606, relevantly amended by S.S.I. 2019/34.

(10) S.S.I. 2007/570, relevantly amended by S.S.I. 2019/415.

(11) S.S.I. 2008/170, relevantly amended by S.S.I. 2019/26.

(12) S.S.I. 2008/404, relevantly amended by S.S.I. 2019/834.

(13) S.S.I. 2009/266, relevantly amended by S.S.I. 2019/276.

The Law Applicable to Contractual Obligations (Scotland) Regulations 2009

14. In regulation 4 of the Law Applicable to Contractual Obligations (Scotland) Regulations 2009(14), for “retained direct EU” substitute “assimilated direct”.

The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Scotland) Regulations 2009

15. In column 2 of the table set out in the schedule of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Scotland) Regulations 2009(15), in both places it occurs, for “retained EU” substitute “assimilated”.

The INSPIRE (Scotland) Regulations 2009

16. In regulation 13(6) of the INSPIRE (Scotland) Regulations 2009(16), for “retained EU” substitute “assimilated”.

The Official Feed and Food Controls (Scotland) Regulations 2009

17. In regulation 4(4) of the Official Feed and Food Controls (Scotland) Regulations 2009(17), for “retained EU” substitute “assimilated”.

The Management of Extractive Waste (Scotland) Regulations 2010

18.—(1) The Management of Extractive Waste (Scotland) Regulations 2010(18) are amended as follows.

(2) In regulation 2(1), in the definition of “unpolluted soil”, for “retained EU” substitute “assimilated”.

(3) In regulation 5(3)(b), for “retained direct EU” substitute “assimilated direct”.

(4) In regulation 12(2), for “retained direct EU” substitute “assimilated direct”.

(5) In regulation 13(1), for “retained direct EU” substitute “assimilated direct”.

(6) In regulation 13(5), for “retained direct EU” substitute “assimilated direct”.

(7) In regulation 14(b), for “retained direct EU” substitute “assimilated direct”.

(8) In regulation 23(4)(b), for “retained direct EU” substitute “assimilated direct”.

(9) In schedule 1—

(a) in paragraph (a)(iii), for “retained direct EU” substitute “assimilated direct”,

(b) in paragraph (b), for “retained direct EU” substitute “assimilated direct”.

The Air Quality Standards (Scotland) Regulations 2010

19. In regulation 2A(2)(h) of the Air Quality Standards (Scotland) Regulations 2010(19), for “retained EU” substitute “assimilated”.

(14) S.S.I. 2009/410, relevantly amended by S.S.I. 2019/834.

(15) S.S.I. 2009/427, relevantly amended by S.S.I. 2019/54.

(16) S.S.I. 2009/440, relevantly amended by S.S.I. 2019/103.

(17) S.S.I. 2009/446, relevantly amended by S.S.I. 2019/52.

(18) S.S.I. 2010/60, relevantly amended by S.I. 2011/1042 and S.S.I. 2019/273.

(19) S.S.I. 2010/204, relevantly amended by S.S.I. 2022/138.

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The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010

20.—(1) The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010(**20**) are amended as follows.

- (2) In regulation 2A(3)(b), for “retained EU” substitute “assimilated”.
- (3) In regulation 10A(2)(b), for “retained EU” substitute “assimilated”.
- (4) In schedule 2, in Part 2, paragraph 5(2), for “retained EU” substitute “assimilated”.

The Waste Management Licensing (Scotland) Regulations 2011

21.—(1) The Waste Management Licensing (Scotland) Regulations 2011(**21**) are amended as follows.

- (2) In regulation 13(2)(b), for “retained EU” substitute “assimilated”.
- (3) In regulation 17(8)(b), for “retained EU” substitute “assimilated”.

The Trade in Animals and Related Products (Scotland) Regulations 2012

22.—(1) The Trade in Animals and Related Products (Scotland) Regulations 2012(**22**) are amended as follows.

- (2) In regulation 13(1), for “retained direct EU” substitute “assimilated direct”.
- (3) In regulation 13(4)(c), for “retained direct EU” substitute “assimilated direct”.
- (4) In regulation 13(4)(e), for “retained direct EU” substitute “assimilated direct”.
- (5) In schedule 2, paragraph 10A(2)(c), for “retained direct minor EU” substitute “assimilated direct minor”.

The Pollution Prevention and Control (Scotland) Regulations 2012

23.—(1) The Pollution Prevention and Control (Scotland) Regulations 2012(**23**) are amended as follows.

- (2) In regulation 2(1), in the definition of “environmental quality standard”, for “retained EU” substitute “assimilated”.
- (3) In regulation 3A(1), in the definition of “Chapter IV Plant”, for “retained EU” substitute “assimilated”.
- (4) In regulation 29(3)(a), for “retained EU” substitute “assimilated”.
- (5) In regulation 29(3)(d), for “retained EU” substitute “assimilated”.
- (6) In regulation 29(3)(f), for “retained EU” substitute “assimilated”.
- (7) In regulation 30(2)(b), for “retained EU” substitute “assimilated”.
- (8) In regulation 36(4)(b)(ii), for “retained EU” substitute “assimilated”.
- (9) In regulation 63(3)(a), for “retained EU” substitute “assimilated”.
- (10) In schedule 1B, paragraph 1(7)(b), for “retained EU” substitute “assimilated”.
- (11) In schedule 4, paragraph 3(d), for “retained EU” substitute “assimilated”.

(20) S.S.I. 2010/426, relevantly amended by S.S.I. 2017/112 and S.S.I. 2022/138.

(21) S.S.I. 2011/228, relevantly amended by S.S.I. 2019/26.

(22) S.S.I. 2012/177, relevantly amended by S.S.I. 2019/412, S.S.I. 2020/458 and S.S.I. 2021/138.

(23) S.S.I. 2012/360, relevantly amended by S.S.I. 2017/446 and S.S.I. 2019/26.

The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013

24.—(1) The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013(**24**) are amended as follows.

- (2) In regulation 2(1),
 - (a) after the definition of “artificial or heavily modified body of surface water”, insert—

““assimilated law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018”,
 - (b) omit the definition of “retained EU law”.
- (3) In regulation 3(1)(c), in both places it occurs, for “retained EU” substitute “assimilated”.
- (4) In regulation 10(b), for “retained EU” substitute “assimilated”.
- (5) In regulation 13(1)(a), for “retained EU” substitute “assimilated”.
- (6) In regulation 13(1)(j)(iv), for “retained EU” substitute “assimilated”.
- (7) In regulation 14(1)(f)(ii), for “retained EU” substitute “assimilated”.
- (8) In regulation 24(3), for “retained EU” substitute “assimilated”.

The Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013

25.—(1) The Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013(**25**) are amended as follows.

- (2) In regulation 7(b), for “retained EU” substitute “assimilated”.

The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013

26.—(1) The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013(**26**) are amended as follows.

- (2) In regulation 2(5), for “retained EU” substitute “assimilated”.
- (3) In regulation 14, for “retained EU” substitute “assimilated”.
- (4) In regulation 17(2), for “retained EU” substitute “assimilated”.

The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015

27.—(1) The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015(**27**) are amended as follows.

- (2) In regulation 22(4), in the definition of “relevant plan or programme”—
 - (a) in sub-paragraph (a), for “retained EU” substitute “assimilated”,
 - (b) in sub-paragraph (b), for “retained EU” substitute “assimilated”.

(24) S.S.I. 2013/323, relevantly amended by S.S.I. 2019/26.

(25) S.S.I. 2013/325, relevantly amended by S.S.I. 2022/138.

(26) S.S.I. 2013/266, relevantly amended by S.S.I. 2022/373.

(27) S.S.I. 2015/181, relevantly amended by S.S.I. 2019/80.

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The Sea Fishing (EU Control Measures) (Scotland) Order 2015

28.—(1) The Sea Fishing (EU Control Measures) (Scotland) Order 2015(**28**) is amended as follows.

(2) In article 2(1), in the definition of “control measure”, for “retained EU” substitute “assimilated”.

(3) In article 2(1), in the definition of “third country control measure”, for “retained EU” substitute “assimilated”.

The Public Contracts (Scotland) Regulations 2015

29.—(1) The Public Contracts (Scotland) Regulations 2015(**29**) are amended as follows.

(2) In regulation 43—

(a) in paragraph (8), for “retained EU” substitute “assimilated”,

(b) in paragraph (10), for “retained EU” substitute “assimilated”.

The Utilities Contracts (Scotland) Regulations 2016

30.—(1) The Utilities Contracts (Scotland) Regulations 2016(**30**) are amended as follows.

(2) In regulation 58—

(a) in paragraph (8), for “retained EU” substitute “assimilated”,

(b) in paragraph (10), for “retained EU” substitute “assimilated”.

The Procurement (Scotland) Regulations 2016

31. In regulation 11(8) of the Procurement (Scotland) Regulations 2016(**31**), for “retained EU” substitute “assimilated”.

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

32.—(1) The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017(**32**) are amended as follows.

(2) In regulation 30(2)(b), for “retained EU” substitute “assimilated”.

(3) In regulation 60(6A)(h)(ii), for “retained EU” substitute “assimilated”.

(4) In schedule 3, paragraph 2(c)(vi), for “retained EU” substitute “assimilated”.

(5) In schedule 4, paragraph 8, for “retained EU” substitute “assimilated”.

The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017

33.—(1) The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017(**33**) are amended as follows.

(2) In regulation 2(1), in the definition of “Union legislation”, for “retained EU” substitute “assimilated”.

(28) S.S.I. 2015/320, relevantly amended by S.S.I. 2019/24.

(29) S.S.I. 2015/446, relevantly amended by S.S.I. 2020/468.

(30) S.S.I. 2016/49, relevantly amended by S.S.I. 2020/468.

(31) S.S.I. 2016/145, relevantly amended by S.S.I. 2020/468.

(32) S.S.I. 2017/102, relevantly amended by S.S.I. 2019/80.

(33) S.S.I. 2017/113, relevantly amended by S.S.I. 2019/130.

- (3) In schedule 3, paragraph 6, for “retained EU” substitute “assimilated”.
- (4) In schedule 3, paragraph 9, for “retained EU” substitute “assimilated”.

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

34.—(1) The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017(**34**) are amended as follows.

- (2) In regulation 24(2)(b), for “retained EU” substitute “assimilated”.
- (3) In schedule 3, paragraph 2(c)(vi), for “retained EU” substitute “assimilated”.
- (4) In schedule 4, paragraph 6, for “retained EU” substitute “assimilated”.
- (5) In schedule 4, paragraph 9, for “retained EU” substitute “assimilated”.

The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019

35.—(1) The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(**35**) are amended as follows.

- (2) In regulation 21(3), in the definition of “plant health derogation”, for “retained EU” substitute “assimilated”.
- (3) In regulation 37(1)(g), for “retained direct EU” substitute “assimilated direct”.
- (4) In regulation 42(2)(b), in both places it occurs, for “retained EU” substitute “assimilated”.
- (5) In schedule 3, in the heading, for “retained direct EU” substitute “assimilated”.

The Environmental Authorisations (Scotland) Regulations 2018

36.—(1) The Environmental Authorisations (Scotland) Regulations 2018(**36**) are amended as follows.

- (2) In regulation 2(1)—
 - (a) before the definition of “authorise”, insert—

““assimilated law” has the same meaning as in section 6(7) of the European Union (Withdrawal) Act 2018”,
 - (b) omit the definition of “retained EU law”.
- (3) In regulation 37(2), for “retained EU” substitute “assimilated”.

The Foods for Specific Groups (Infant Formula and Follow-on Formula) (Scotland) Regulations 2020

37. In paragraph 11(3)(a) of schedule 4 of the Foods for Specific Groups (Infant Formula and Follow-on Formula) (Scotland) Regulations 2020(**37**), for “Retained EU” substitute “assimilated”.

The Social Security Co-ordination (EU Exit) (Scotland) (Amendments etc.) Regulations 2020

38.—(1) The Social Security Co-ordination (EU Exit) (Scotland) (Amendments etc.) Regulations 2020(**38**) are amended as follows.

(34) [S.S.I. 2017/115](#), relevantly amended by [S.S.I. 2019/55](#).
(35) [S.S.I. 2019/421](#), relevantly amended by [S.S.I. 2020/466](#).
(36) [S.S.I. 2018/219](#), relevantly amended by [S.S.I. 2019/26](#).
(37) [S.S.I. 2020/6](#), relevantly amended by [S.S.I. 2021/123](#).
(38) [S.S.I. 2020/399](#).

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- (2) In regulation 6(1), for “RDEUL” substitute “assimilated direct legislation”.
- (3) In regulation 6(2), for “RDEUL” substitute “assimilated direct legislation”.
- (4) In regulation 6(4)—
 - (a) for “RDEUL” substitute “assimilated direct legislation”,
 - (b) for “retained direct EU” substitute “assimilated direct”.
- (5) In the heading before regulation 7, for “retained direct EU” substitute “assimilated direct”.
- (6) In regulation 7, for “retained direct EU” substitute “assimilated direct”.

The Education (Fees) (Scotland) Regulations 2022

39. In regulation 2(1) of the Education (Fees) (Scotland) Regulations 2022(**39**), in the definition of “EEA agreement”, for “retained direct EU” substitute “assimilated direct”.

The Student Support (Scotland) Regulations 2022

40. In regulation 2(1) of the Student Support (Scotland) Regulations 2022(**40**), in the definition of “EEA agreement”, for “retained direct EU” substitute “assimilated direct”.

The Feed Additives (Authorisations) (Scotland) Regulations 2022

41.—(1) The Feed Additives (Authorisations) (Scotland) Regulations 2022(**41**) are amended as follows.

- (2) In regulation 9(1), for “retained direct EU” substitute “assimilated direct”.
- (3) In regulation 11, for “retained direct EU” substitute “assimilated direct”.
- (4) In the table set out in schedule 11, in the entry for “Analytical methods”, omit “retained”.
- (5) In schedule 12, in the heading, for “retained direct” substitute “assimilated direct”.

(39) [S.S.I. 2022/156](#).

(40) [S.S.I. 2022/157](#).

(41) [S.S.I. 2022/288](#).