

Statutory Document No. 2019/0087



European Union and Trade Act 2019

EUROPEAN UNION AND TRADE ACT 2019 (DEFICIENCIES) (DEPARTMENT OF INFRASTRUCTURE) REGULATIONS 2019

*Approved by Tynwald: 20 March 2019
Coming into operation in accordance with Regulation 2*

The Council of Ministers makes the following Regulations under section 12 of the European Union and Trade Act 2019.

1 Title

These Regulations are the European Union and Trade Act 2019 (Deficiencies) (Department of Infrastructure) Regulations 2019.

2 Commencement

If approved by Tynwald, these Regulations come into operation on exit day¹.

3 Interpretation

In these Regulations, “**exit day**” has the same meaning as the European Union and Trade Act 2019.

4 Construction

To avoid doubt, any retained EU law is to be construed and have effect subject to these Regulations.

5 Amendments to enactments

- (1) The Harbours Act 2010 is amended in accordance with Part 1 of the Schedule.
- (2) The statutory documents specified in Part 2 of the Schedule are amended in accordance with Part 3 of the Schedule.

¹ Tynwald approval is required under section 12(1) of the European Union and Trade Act 2019.

6 Saving

For the avoidance of doubt, nothing in these regulations affects the continuing validity of any provision made, before these regulations come into operation, under any of the enactments amended by the Schedule.

MADE 19 FEBRUARY 2019

W GREENHOW
Chief Secretary

SCHEDULE

ENACTMENTS AMENDED

PART 1 – AMENDMENT OF THE HARBOURS ACT 2010

Harbours Act 2010

1 Harbours Act 2010 amended

The Harbours Act 2010 is amended as follows.

2 Section 79 amended

For section 79 (1) (Application of EU Instruments) substitute the following –

- █(1) The Department may by order apply to the Island as part of the law of the Island, subject to such exceptions, adaptations and modifications as may be specified in the order, any provision of an EU instrument which concerns directly or indirectly –
- (a) harbours;
 - (b) harbour use;
 - (c) harbour management and control;
 - (d) harbour safety;
 - (e) harbour security;
 - (f) navigation within harbours;
 - (g) harbour works and operations; or
 - (h) environmental matters affecting harbours. █.

3 Section 80 amended

In section 80 (Implementation of EU Obligations) –

- (a) for subsection (1) substitute the following –

█The Department has the power to make regulations in respect of any EU instrument applied to the Island under section 79. █; and

- (b) in the heading of the section, for the word “Obligations” substitute █Instruments█.

PART 2 – STATUTORY DOCUMENTS

4 Amendments to statutory documents

The statutory documents referred to in article 3(2) are –

- (a) the Road Vehicles Lighting Regulations 2014;
- (b) the Road Vehicles (Maintenance and Use) Regulations 2012;
- (c) the Road Vehicles (Construction, Equipment and Weight) Regulations 2012
- (d) the Driving Licences and Test Regulations 2007;
- (e) the Road Vehicles (International Circulation) Order 2006;
- (f) the Gas Regulations 2004;
- (g) the Water Supply Byelaws 2002;
- (h) the Motor Cycles (Protective Helmets and Visors) Regulations 2000.

PART 3 – AMENDMENTS

Road Vehicles Lighting Regulations 2014

5 Road Vehicles Lighting Regulations 2014 amended

- (1) The Road Vehicles Lighting Regulations 2014² are amended as follows.
- (2) In the definition of “EEA State” within the table in Regulation 3(1) (interpretation), for “A State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992 as adjusted by the Protocol signed at Brussels on 17 March 1993.” substitute the following —

“in relation to a time, means —

- (a) a state which at that time is a member State of the EU;
or
- (b) any other state which at that time is a party to the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the protocol adjusting that agreement signed at Brussels on 17 March 1993.³

Road Vehicles (Maintenance and Use) Regulations 2012

6 Road Vehicles (Maintenance and Use) Regulations 2012 amended

- (1) The Road Vehicles (Maintenance and Use) Regulations 2012³ are amended as follows.
- (2) In the definition of “EEA State” within the table in Regulation 3(1) (interpretation), for “A State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May

² SD 2014/0011

³ SD 0323/12

1992 as adjusted by the Protocol signed at Brussels on 17 March 1993.”
substitute —

in relation to a time, means —

- (a) a state which at that time is a member State of the EU;
or
- (b) any other state which at that time is a party to the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the protocol adjusting that agreement signed at Brussels on 17 March 1993.

Road Vehicles (Construction, Equipment and Weights) Regulations 2012

7 Road Vehicles (Construction, Equipment and Weight) Regulations 2012 amended

(1) The Road Vehicles (Construction, Equipment and Weights) Regulations 2012⁴ are amended as follows.

(2) In the table in regulation 2(1) (interpretation) —

(a) in the definition of “EC certificate of conformity”, —

- (i) in paragraph (a)(i), omit “being regulations made under section 2(2) of the European Communities Act 1972 (of Parliament),”;
- (ii) in paragraph (a)(ii), omit “other than the United Kingdom”;

(b) omit the definition of “member state”.

(3) In regulation 9(1), (Couplings on trailer pneumatic braking systems), for the definition of “EEA State” substitute —

EEA State, in relation to a time, means —

- (a) a state which at that time is a member State of the EU;
or
- (b) any other state which at that time is a party to the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the protocol adjusting that agreement signed at Brussels on 17 March 1993.

(4) In Schedule 5 (seat-belt anchorage points and seat belts), for paragraph 8(4) substitute the following —

(4) For the purposes of sub-paragraph (3) —

⁴ SD 0326/12

EEA State in relation to a time, means —

- (a) a state which at that time is a member State of the EU;
or
- (b) any other state which at that time is a party to the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the protocol adjusting that agreement signed at Brussels on 17 March 1993.⁵

The Driving Licences and Test Regulations 2007

8 The Driving Licences and Test Regulations 2007 amended

- (1) The Driving Licences and Test Regulations 2007⁵ are amended as follows.
- (2) In regulation 6(2) (Residence qualification not to apply) —
 - (a) in the definition of “Community licence”, omit “other than the United Kingdom” and “(including the United Kingdom)”; and
 - (b) for the definition of “EEA State”, substitute the following —

EEA State, in relation to a time, means —

- (a) a state which at that time is a member State of the EU;
or
- (b) any other state which at that time is a party to the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the protocol adjusting that agreement signed at Brussels on 17 March 1993.⁶

The Road Vehicles (International Circulation) Order 2006

9 Road Vehicles (International Circulation) Order 2006 amended

- (1) The Road Vehicles (International Circulation) Order 2006⁶ is amended as follows.
- (2) For the definition of “EEA State” in Article 3 (interpretation), substitute the following —

EEA State, in relation to a time, means —

- (a) a state which at that time is a member State of the EU;
or

⁵ SD 161/07

⁶ SD 455/06

- (b) any other state which at that time is a party to the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the protocol adjusting that agreement signed at Brussels on 17 March 1993;⁷
- (3) In Article 6(4) (limitations, and power to withdraw rights, with respect to visitors’ driving permits), for “EEA State, Guernsey or Jersey.” and substitute ⁸EEA State, Gibraltar, Guernsey, Jersey or United Kingdom.⁹

Gas Regulations 2004

10 Gas Regulations 2004 amended

- (1) The Gas Regulations 2004⁷ are amended as follows.
- (2) In regulation 18 (meters not stamped by, or on the authority of, a meter examiner), for “a member state of the European Union”⁸ substitute ⁹the United Kingdom or a member state of the European Union⁹.

The Water Supply Byelaws 2002

11 The Water Supply Byelaws 2002 amended

- (1) The Water Supply Byelaws 2002⁹ is amended as follows.
- (2) In byelaw 1 (citation, commencement and interpretation)
 - (a) in paragraph (2) —
 - (i) omit the definition of “EEA Agreement”;
 - (ii) for the definition of “EEA State” substitute the following

⁹ EEA State, in relation to a time, means —

- (a) a state which at that time is a member State of the EU;
or
- (b) any other state which at that time is a party to the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the protocol adjusting that agreement signed at Brussels on 17 March 1993;⁹

⁷ SD 211/04

⁸ Wording amended by SD 0606/12

⁹ SD 222/02

12 The Motor Cycles (Protective Helmets and Visors) Regulations 2000 amended

- (1) The Motor Cycles (Protective Helmets and Visors) Regulations 2000¹⁰ are amended as follows.
- (2) In regulation 3(1) (interpretation), for the definition of “EEA State” substitute the following —

EEA State, in relation to a time, means —

- (a) a state which at that time is a member State of the EU;
or
- (b) any other state which at that time is a party to the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the protocol adjusting that agreement signed at Brussels on 17 March 1993;¹¹

¹⁰ SD 189/00

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Harbours Act 2010, and the following statutory documents –

- (a) the Road Vehicles Lighting Regulations 2014 (SD 2014/0011);
- (b) the Road Vehicles (Maintenance and Use) Regulations 2012 (SD 0323/12);
- (c) the Road Vehicles (Construction, Equipment and Weight) Regulations 2012 (SD 0326/12);
- (d) the Driving Licences and Test Regulations 2007 (SD 161/07);
- (e) the Road Vehicles (International Circulation) Order 2006 (SD 455/06);
- (f) the Gas Regulations 2004 (SD 211/04);
- (g) the Water Supply Byelaws 2002 (SD 222/02);
- (h) the Motor Cycles (Protective Helmets and Visors) Regulations 2000 (SD 189/00),

as a consequence of the United Kingdom's withdrawal from the European Union.