UKELA Brexit Task Force (TF) meeting minutes
Tuesday 10 January 2017 at 2pm

King’s College, London

Task Force members
Richard Barlow
Karen Blair (apologies)
Andrew Bryce
Jill Crawford
Cate Davey (apologies)
Haydn Davies
Paul Davies
Angus Evers
Peter Dixon (apologies)
Patrick Duffy
Begonia Filgueira
Peter Harvey
Stephen Hockman QC
Sir Francis Jacobs (apologies)
Anne Johnstone
Penny Latorre
Bob Lee (apologies)
Richard Macrory QC
Bridget Marshall (apologies)
Francis McManus (apologies)
Nina Pindham
Colin Reid
Kenneth Ross (apologies)
Eloise Scotford
Stephen Sykes
Sarah Thomas
Stephen Tromans QC
Richard Wald
Andrew Wiseman (apologies)

NatureConsWP
Trustee/NI
Private Practice
EnvLitWP
WaterWP
Trustee/Wales
Private Practice
WasteWP
Planning/SusDevWP
Planning/SusDevWP
Private Practice
WasteWP
ClimateChangeEnergyWP
Patron
Trustee/Vice Chair
Trustee/WP Co-Ordinator
Academic
Patron
Trustee/public sector
NoiseWP
WaterWP
Academic, Scotland
Trustee/Scotland
Academic
UKELA Chair
EnvironmentAgency observer
Barrister
Trustee/Barrister
ContamLandWP

UKELA Staff Support
Linda Farrow
Rosie Oliver
Alison Boyd
1 Introductions and Welcome – Stephen Sykes
Apologies were noted and all members of the TF were welcomed to the meeting. A warm welcome was extended to the special guest speaker, Stanley Johnson.

2 Confirmation of 2 Co-Chairs
Richard Macrory and Andrew Bryce were confirmed as the Co-Chairs for the BTF by unanimous vote.

3 Guest Speaker – Stanley Johnson
SJ gave a short presentation on the political dimensions of Brexit and how UKELA might engage to best effect. The key points were:

- Consider endorsing EAC report call to introduce a new Environmental Protection Act after Brexit.
- Consider extent to which Supreme Court could fulfil current role of the European Commission and ECJ in enforcing environmental law, given the limitations of judicial review.
- Make sure that any comment from the BTF is authoritative and timely to ensure maximum impact.
- Farming policy should not be overlooked as it is crucial.

BTF response:
- Important to leverage practical expertise of UKELA members; agree timing crucial.
- Note that Defra wants to roll over the current EU environmental acquis. UKELA very keen to ensure this. Defra’s understanding appeared to be that 2/3 of all legislation could be rolled over under a Great Repeal Bill, with the remainder dealt with separately.
- Would be helpful to have a sense of the priorities between different government departments.
- The role of business will be important as some may view Brexit as an opportunity to dilute regulation.
- New domestic legislation seems certain to be needed as current EU legislation operates across all 27 states, so is not, by definition, specific to the domestic agenda. But bringing in a new Environmental Protection Act – although a long-term aspiration - may not be the way forward in the short term.
- Note REACH consultation already underway – good opportunity for UKELA comment (work already underway).
- Opportunity also for work on next steps preparing for the Great Repeal Bill.
- Devolution aspect needs to be kept high on agenda.
- Important to watch that some areas of environmental law aren’t prioritised over others.
- It was understood that the drafting of the Great Repeal Bill was underway but that complex issues were being sidelined for later consideration.

4 UKELA’s work on Brexit to date - Rosie Oliver
See attached slides
Details:

- REACH consultation comments due 20 January- Matt Townsend (A&O) invited to help; Paul Davies offered to help and suggested Doug Bryden (Travers Smith) be approached too. Tim Clare from Ramboll Environ was also suggested. **RO to take forward.**
- Working Party mapping exercise was taking shape. Responses had been received from Waste, Nature Conservation and CCEWP. Richard Barlow gave an overview of the NC paper – it addressed the mechanisms for enforcement and the impact any removal of past EU case law might have on future case law. Angus Evers noted that in the Waste paper the issue of enforcement was also raised, among other issues such as the possibility on nuclear law of leaving Euratom treaty. Other WPs noted that they were taking this task forward at present. Next steps (more targeted mapping) discussed under agenda item 7.
- Resources – it was noted that an advert for a Research Assistant attached to the Task Force would be issued asap with a view to appointing in February [note advert was circulated 11 January, with deadline 25 January]
- ESRC – Eloise Scotford advised that there was a funding call for priority grants on Brexit work. Grants would be in the region of £100-£300k and would cover a focus on the process. It was agreed that consideration would be given to a bid supporting the work of the Task Force. **ES to discuss further with SS/LF with SS to send letter of support to ES**

5 Update on UK/Government position – Richard Macrory and Andrew Bryce

**Great Repeal Bill due to be published May**

- Meeting coming up with DBIES
- UKELA may request second meeting with Defra
- DA meetings
- Working to identify key individuals in government departments if they are not specifically covered by the WP
- SJ suggested arranging a meeting with Robin Walker at the Brexit department

**RM/ABryce/RO to take forward actions**

6 Developments in Devolved Administrations

Colin Reid noted that he was due to appear before the Scottish Government on the impact of Brexit on devolved powers. There were concerns across all devolved admins about this, although it was noted that NI was on hold currently pending the resolution of the NI government issue.

**SS/BF will liaise on potential contacts in NI**

7 Looking Ahead: UKELA’s strategic focus for work on Brexit

---

**Page 3 of 4**
By way of preparation for the Great Repeal Bill, investigate how difficult it will be to roll over our body of environmental law. WPs to be asked to look for examples of provisions/areas of law that will be difficult to roll over, in response to a targeted list of questions to be developed by RO, RM and ABryce.

- Need to be aware of potential for activity on 30% of legislation that may not be covered by Great Repeal Bill (eg REACH).
- Research assistant position to look at more general Brexit-related constitutional matters/reports which will affect environmental law, as well as specific environmental law issues.
- Seek meeting with EA
- Look at what other organisations are doing eg IEEP, CIEEM

### 8 Other activities
Next event planned for end May/early June. Agreed theme should be Great Repeal Bill (if published by then), issues emerging from WP mapping exercise and the Article 50 Supreme Court case. Possible half day event.

**ABoyd/RO to progress**

**Date of next meeting – end March**
ABoyd to book and circulate details