

Net Zero, Energy and Transport Committee  
Tuesday 10 February 2026  
6th Meeting, 2026 (Session 6)

## UK subordinate legislation: consideration of consent notification

### Introduction

1. This paper supports the Committee’s consideration of a ‘type 1’ consent notification sent by the Scottish Government relating to the following proposed UK statutory instrument (SI):
  - The REACH (Amendment) (No. 2) Regulations 2026
2. The process for how the Scottish Parliament considers consent notifications is set out in the [SI Protocol](#). See **Annexe A** for further details.

### The REACH (Amendment) (No. 2) Regulations 2026

3. On 16 January, the Cabinet Secretary for Climate Action and Energy wrote to the Committee to give notice that the Scottish Government proposed to consent to this SI. Her letter is in **Annexe B** and the formal SI notification is in **Annexe C**. The notification sets out that the UK Government intends to lay the SI on 24 March 2026. The Committee has been asked to respond by **16 February**.
4. The proposed SI will be made under the powers in [section 140](#) and [paragraph 1 of schedule 21](#) of the Environment Act 2021.
5. The proposed SI amends Regulation (EC) 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (the UK REACH Regulation), which was previously amended<sup>1</sup>, to extend and compress the registration deadlines for chemical substances that fall within scope of transitional provisions.
6. The notification explains that UK REACH requires that substances which are manufactured or imported into GB be registered with the Health and Safety Executive (“the Agency” under UK REACH). This registration data provides information on the hazard profile, use and exposure of the substance and places the onus on industry to demonstrate safe use of its chemicals through its registrations. Under UK REACH, the Agency is obliged to check compliance of a proportion of the registration dossiers within a particular timeframe. Transitional deadlines for the submission of the registration information were set within UK REACH after the implementation period completion day for those registrants

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<sup>1</sup> [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#); [The REACH etc. \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2019](#); [The REACH etc. \(Amendment etc.\) \(EU Exit\) \(No. 3\) Regulations 2019](#); [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020](#); and [The REACH etc. \(Amendment\) Regulations 2021](#) and [The REACH \(Amendment\) Regulations 2023](#).

manufacturing or importing substances into the UK who were not registrants under the equivalent EU REACH Regulation.

7. The notification states that due to complex data sharing agreements, if current registration requirements for these businesses remained, chemical and other industries in GB could face estimated costs of £2 billion to comply. Work is ongoing to finalise an alternative transitional registration model (ATRm) to minimise costs for industry but still provide high levels of environmental and health protections. The postponement of registration deadlines is required in order for this work to be completed and the final registration requirements confirmed and brought in through separate legislation.
8. The notification summary states that the instrument makes two sets of amendments to the UK REACH Regulation.
9. First, it amends the dates by which manufacturers or suppliers (including importers) must register their substances based on the amount they manufacture or supply annually (tonnage bands), and in some cases on the substances' intrinsic hazards. To this end the registration deadlines for all three tonnage bands (set out in Article 127P(4B) of the UK REACH Regulation) have been extended:
  - the deadline will be 27 October 2029 (current deadline 27 October 2026) for the most hazardous substances<sup>2</sup> in scope of UK REACH and substances manufactured in Great Britain or imported in quantities  $\geq 1000$  tonnes per year.
  - the deadline will be 27 October 2030 (current deadline is 27 October 2028) for substances added to the REACH Annex 14 candidate list between 28 October 2027 and ending with 27 October 2028 or substances manufactured in Great Britain or imported in quantities  $\geq 100$  tonnes per year.
  - the deadline will be 27 October 2031 (current deadline is 27 October 2030) for substances manufactured in Great Britain or imported in quantities  $\geq 1$  tonne per year.
10. Second, and as a consequence of the changes to the registration deadlines, it amends the dates by which the Health and Safety Executive (HSE; the UK REACH Agency) must have completed compliance checking of at least 20% of the registrations in relation to the three different registration tonnage bands specified in Article 127P(4B). These revised deadlines are:

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<sup>2</sup> substances either on the UK REACH Annex 14 candidate list\* on or before 27<sup>th</sup> October 2027, classified as carcinogenic, mutagenic or toxic for reproduction and manufactured in Great Britain or imported in quantities  $\geq 1$  tonne per year, or that are classified as aquatic chronic or aquatic acute in category 1 for the environment and are manufactured in Great Britain or imported in quantities  $\geq 100$  tonnes per year.

\* The Candidate List lists substances that have been identified under UK REACH as Substances of Very High Concern based on their intrinsic hazardous properties. Substances from the candidate list are periodically prioritised by the HSE for inclusion in annex XIV of UK REACH, which means they cannot be used unless authorisation to do so is sought and approved.

- For the first registration group (now due 27 October 2029) the compliance check deadline will be extended from 27 October 2027 to 27 October 2030.
- For the second group (now due 27 October 2030) the compliance check deadline will be extended from 27 October 2030 to 27 October 2032.
- For the third group (now due 27 October 2031) the compliance check deadline will be extended from 27 October 2035 to 27 October 2036.

### **Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation**

11. As UK REACH operates across GB, Scottish Ministers consider that consenting to the 2026 Regulations is appropriate and necessary to enable ongoing work by UK and Devolved Governments to develop and finalise an ATRm which supports industry while maintaining high environmental standards and safety for human health. Officials have worked with Defra to ensure the drafting delivers for our interests and respects devolved competence in Scotland, and so Scottish Ministers propose to consent to these amendments to the Regulation.
12. There is a statutory requirement to obtain Scottish Ministers' consent for the making of this SI. This is in [Article 4A](#) of the REACH Regulation. Accordingly, the SI cannot be made as proposed unless the Scottish Ministers consent.

### **Next steps**

13. If the Committee wishes to approve the proposal to consent to the SI, it may, in doing so, set out in its letter to the Scottish Government any observations or concerns that it thinks are relevant.
14. If the Committee is not content with the proposal, it should include in its letter to the Scottish Government one of the following recommendations:
  - That the Scottish Government should not consent to the provision being made in a UK SI and that the Scottish Government should instead take forward an alternative Scottish legislative solution.
  - That the provision should not be made at all (that is, that the Scottish Government should not consent to the provision being included in a UK SI, nor should the Scottish Government take forward an alternative Scottish legislative solution).

**Clerks to the Committee  
February 2026**

## **Annexe A: Process for parliamentary scrutiny of consent notifications in relation to UK statutory instruments**

1. The Protocol provides for the Scottish Parliament to scrutinise the Scottish Government's decisions to consent to certain subordinate legislation made by the UK Government: specifically, UK Government subordinate legislation on matters within devolved competence in areas formerly governed by EU law. It sets out a proportionate scrutiny approach and categorises SI notifications as 'type 1' or 'type 2'.
2. Type 2 applies where all aspects of the proposed instrument are clearly technical (e.g., they merely update references in legislation that are no longer appropriate following EU exit) or do not involve a policy decision. These are notified retrospectively, after the Scottish Government has given its consent.
3. All other proposals are type 1. In this case, the Scottish Parliament's agreement is sought before the Scottish Government gives consent to the UK Government making subordinate legislation in this way. Each type 1 notification must be considered by the relevant Committee.
4. **The Committee's role in relation to type 1 notifications is to decide whether it agrees with the Scottish Government's proposal to consent to the UK Government making Regulations within devolved competence, in the manner that the UK Government has indicated to the Scottish Government.**
5. If Members are content for consent to be given, the Committee will write to the Scottish Government accordingly. The Committee may also wish to note any issues in its response or request that it be kept up to date on any relevant developments.
6. If the Committee is not content with the proposal, however, it may recommend that the Scottish Government should not give its consent. In that event, the Scottish Ministers have 14 days under the Protocol to respond to the Committee's recommendation. They could—
  - Agree. If so, the Scottish Ministers would then withhold their consent.
  - Not agree. If so, the Parliament will debate the issue.
7. If the Parliament agrees to the Committee's recommendation that the Scottish Ministers should not consent, the Protocol provides that the Scottish Ministers should "normally not consent" to the UK SI. However, the Protocol also provides that if the Scottish Ministers consider that the Committee's proposed alternative cannot be achieved, they may consent to the UK SI. If so, they must explain why they are doing so to the Scottish Parliament.

## **Annexe B: Correspondence from the Cabinet Secretary for Climate Action and Energy**

Dear Edward,

### **THE REACH (AMENDMENT) (No. 2) REGULATIONS 2026**

#### **EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas arising from EU Exit.

That protocol, as agreed between the Scottish Government and the Parliament, accompanied the letter from the then Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the details of the SI which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI. Please note, the final SI is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

The purpose of this instrument is to amend Regulation (EU) 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (“the UK REACH Regulation” which is now assimilated law) to extend the transitional deadlines for registrants to submit required substance information to the Health and Safety Executive.

The UK Government has set a laying date for this SI as the 24 March 2026. If possible, consent from Scottish Ministers and agreement from Scottish Parliament is required by 16 February 2026.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

I look forward to hearing from you by 16 February 2026.

Yours sincerely,

**GILLIAN MARTIN**

## **Annexe C: Notification to the Scottish Parliament**

### **Name of the SI(s)**

The REACH (Amendment) (No. 2) Regulations 2026

### **Is the notification Type 1 or Type 2**

Type 1

### **Brief overview of the SI (including reserved provision)**

The REACH (Amendment) (No. 2) Regulations 2026 (“the 2026 Regulations”) amend Regulation (EC) 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2022/21/EC (“UK REACH” which is now assimilated law, the law formerly known as retained EU law) to extend the registration deadlines for chemical substances under the transitional provisions.

UK REACH requires that substances which are manufactured or imported into GB be registered with the Health and Safety Executive (“the Agency” under UK REACH). This registration data provides information on the hazard profile, use and exposure of the substance and places the onus on industry to demonstrate safe use of its chemicals through its registrations. Under UK REACH, the Agency is obliged to check compliance of a proportion of the registration dossiers within a particular timeframe. Transitional deadlines for the submission of the registration information were set within UK REACH after IP completion day for those registrants manufacturing or importing substances into the UK who were not registrants under the equivalent EU REACH Regulation.

Due to complex data sharing agreements, if current registration requirements for these businesses remained, chemical and other industries in GB could face estimated costs of £2 billion to comply. Work is ongoing to finalise an alternative transitional registration model (ATRm) to minimise costs for industry, but still provide high levels of environmental and health protections. The postponement of registration deadlines is required in order for this work to be completed and the final registration requirements confirmed and brought in through separate legislation.

The current transitional registration deadlines are dependent on the tonnage of the substance produced or imported and the hazard profile of the substance, in keeping with the approach used under the equivalent EU REACH regime. Currently the deadlines are 27 October 2026, 27 October 2028 and 27 October 2030.

This proposed instrument will make two changes to UK REACH: the first is to extend and compress the timeline of the current deadlines to 27 October 2029, 27 October 2030 and 27 October 2031; the second is to extend the deadline by which the Agency is required to perform compliance checks on 20% of the registration dossiers so they remain 1, 2 and 5 years after each of the new registration deadlines respectively.

The UK REACH Regulation is being amended using powers in section 140 and paragraph 1 of schedule 21 of the Environment Act 2021. The UK Government intends to lay the 2026 Regulations before the UK Parliament under the affirmative procedure on 24 March 2026.

Chemicals policy, including in relation to UK REACH, engages a complex mixture of reserved and devolved competence. Environmental protection, waste management and public health are devolved while product safety, animal testing as well as health and safety at work are reserved. This proposed instrument will not implement changes leading to immediate alignment with EU REACH as it concerns transitional arrangements following UK REACH's entry into force, the equivalent of which under EU REACH have long since passed. The ATRm will have implications for alignment but is not the subject of this amendment. This is a particularly complex area of legislation and regulation. This amendment is designed to support industry while an ATRm is finalised and implemented. Scottish Government is involved with this work, and the consent of Scottish Ministers will need to be sought before legislation can be brought forward to implement the ATRm.

Since IP completion day, six sets of regulations were made to enable the UK REACH regulation to function properly under domestic law. This includes a 2023 amendment to UK REACH, made using powers in the Environment Act 2021, subject to the consent of the Scottish Ministers under article 4A of UK REACH, to extend transitional registration deadlines. The relevant instruments are as follows:

1. The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/758);
2. The REACH etc. (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/858);
3. The REACH etc. (Amendment etc.) (EU Exit) (No. 3) Regulations 2019 (S.I. 2019/1144);
4. The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577);
5. The REACH etc. (Amendment) Regulations 2021 (S.I. 2021/904); and
6. The REACH (Amendment) Regulations 2023 (S.I. 2023/722).

In relation to these instruments, the Scottish Ministers notified the Scottish Parliament Environment Climate Change and Land Reform Committee on 27 November 2018, 2 April 2019, 18 June 2019 and 28 September 2020 and 26 February 2021; and the Net Zero, Energy, and Transport Committee on 3 March 2023 respectively. The Scottish Parliament agreed with Scottish Ministers' intention to consent to these regulations.

**Details of the provisions that Scottish Ministers are being asked to consent to.**

**Summary of the proposals**

Following EU exit, existing registrations held by GB-based companies under EU REACH were transferred to UK REACH, and GB-based suppliers and users of chemicals (that were registered under EU REACH but for which they were not the registration holder) were given time to prepare for UK REACH registration. The aim of these transitional provisions inserted into UK REACH was to reduce the disruption to industry as UK REACH entered into force. Companies seeking to use these transitional arrangements had to submit basic initial registration data within 120 or 300 days after IP completion day, depending on their circumstances, with full registration data requirements coming afterwards. The 2021 and 2023 amendments to UK REACH postponed the full data requirement under these transitional arrangements for data to 2 years, 4 years and 6 years after the end of the 300 day post-IP completion period; then companies were required to provide full registration information within prescribed deadlines set in article 127P(4B) of UK REACH: 27 October 2026; 27 October 2028; 27 October 2030. The deadline applicable was determined by the quantity of the substance on the market and its hazard profile. Chemicals falling under these transitional arrangements will represent the majority of chemicals to be registered in UK REACH.

Stakeholders had raised significant concerns around current transitional registration arrangements in UK REACH, mainly in relation to the cost of acquiring the data to complete their registrations. This prompted an ongoing UKG-led programme of work to investigate alternative registration models to lower the burden on industry whilst maintaining protections for the environment and human health. The alternative transitional registration model (ATRm) was consulted on in 2024 and UK Government has been analysing the results and further developing the approach. In order to allow this programme of work to be completed, consent is being sought from Scottish and Welsh Ministers to amend UK REACH to extend the current registration deadlines:

- (a) from 27 October 2026 to 27 October 2029 for the most hazardous substances (substances included on the UK REACH candidate list before 27 October 2027, substances classified as carcinogenic, mutagenic or toxic for reproduction and manufactured or imported in quantities of 1 tonne a year or more, and substances that are very toxic to aquatic life and manufactured or imported in quantities of 100 tonnes or more a year), and substances manufactured or imported in quantities of 1,000 tonnes or more a year;
- (b) from 27 October 2028 to 27 October 2030 for substances added to the UK REACH candidate list between 28 October 2027 and 27 October 2028, and substances manufactured or imported in quantities of 100 tonnes or more a year; and



- (c) from 27 October 2030 to 27 October 2031 for substances manufactured or imported in quantities of 1 tonne or more a year.

Under article 41(5) of UK REACH, the HSE must check a proportion of registrations for quality and accuracy through a process called a compliance check, completing this by set dates after the registration deadlines. These dates consequentially need to be amended to ensure that they apply after the new registration deadlines have passed, otherwise no data may have been submitted for the HSE to carry out compliance checks on. These dates will be amended to account for the changes in registration deadlines described above, as follows:

- (a) In relation to the first registration deadline amended through this instrument to 27 October 2029, the compliance check deadline will be extended from 27 October 2027 to 27 October 2030;
- (b) In relation to the second registration deadline amended through this instrument to 27 October 2030, the compliance check deadline will be extended from 27 October 2030 to 27 October 2032;
- (c) In relation to the third registration deadline amended through this instrument to 27 October 2031, the compliance check deadline will be extended from 27 October 2035 to 27 October 2036.

### **Does the SI relate to a common framework or other scheme?**

Yes. The UK REACH Regulation forms part of the relevant regulations set out within the scope of the provisional Chemicals and Pesticides Common Framework.

### **Summary of stakeholder engagement/consultation**

The UK Government held a “Consultation on extending the UK REACH submission deadlines” from 14 July 2024 to 8 September 2024. Officials informed stakeholders of the consultation through industry and NGO forums and set out the general approach proposed.

The consultation outlined four possible options for the deadlines including a ‘do nothing’ option followed by three time-limited options to extend the deadlines. To summarise, the overwhelming stakeholder response indicated that a ‘do nothing’ approach was least favoured due to lack of feasibility and prohibitive costs businesses would face to submit registration data under the current registration model. The majority of stakeholder responses favoured the outcome with the longest extension of deadlines, although the UK Government’s preferred option (that which is set out in the proposed UK SI) was acknowledged as a compromise for the UK Government to finalise the alternative registration model and industry to prepare data requirements by extending and compressing (ie reducing the gap between registration deadlines from two years to one year) the timeline for submission.

Many stakeholders considered that the extension of deadlines would not significantly change the aim of protecting human health and the environment, given that most substances are already registered under EU REACH and other risk management measures such as Classification and Labelling for hazardous substances, Safety Data Sheets and Control of Substances Hazardous to Health Regulations (COSHH) requirements are in use and will continue.

**A note of other impact assessments, (if available)**

Defra have produced an impact assessment which will be published alongside the UK SI.

**Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation**

As UK REACH operates across GB, Scottish Ministers consider that consenting to the 2026 Regulations is appropriate and necessary to enable ongoing work by UK and Devolved Governments to develop and finalise an ATRm which supports industry while maintaining high environmental standards and safety for human health. Officials have worked with Defra to ensure the drafting delivers for our interests and respects devolved competence in Scotland, and so Scottish Ministers propose to consent to these amendments to the Regulation.

**Intended laying date (if known) of instruments likely to arise**

This instrument is subject to the affirmative procedure and will be laid before the UK Parliament on 24 March 2026.

**If the Scottish Parliament does not have 28 days to scrutinise Scottish Ministers' proposal to consent, why not?**

The Scottish Parliament has 28 days to scrutinise this proposal.

**Information about any time dependency associated with the proposal**

The 2026 Regulations extend the deadlines for registrations. The first deadline that is being extended falls on 27 October 2026. The 2026 Regulations will therefore need to be made prior to 27 October 2026.

**Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?**

None.

**Any significant financial implications?**

None.