

SL(5)657 – The Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2020

Background and Purpose

The Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2020 (“the Regulations”) are made under paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018. The purpose of the Regulations is to ensure retained EU law operates effectively once the UK leaves the EU.

These Regulations make amendments to the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019 (“the 2019 Regulations”).

Regulation 3 amends the 2019 Regulations, which in turn amend the Marine Licensing (Exempted Activities) (Wales) Order 2011 in order to correct an error in references.

Regulation 4 amends the 2019 Regulations, which in turn amend the European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016 (“the 2016 Regulations”). The EMFF scheme and funding will continue to be governed by the EU until the closure of those programmes and activities, as set out by Article 138 of the Withdrawal Agreement. The applicable Union law will continue to directly apply in the UK and will not become part of retained EU law, as a result of section 7A and section 3(2)(bi) of the EU Withdrawal Act 2018, as amended by the EU (Withdrawal Agreement) Act 2020. Amendments are therefore made to the 2019 Regulations, relating to the 2016 Regulations to reflect the position that the EU legislation referenced in the 2016 Regulations has effect by virtue of the Withdrawal Agreement, and the EU Withdrawal Act 2018.

These Regulations come into force immediately before Implementation Period Completion Day at 11.00 pm on 31 December 2020.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.



1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

A draft of these Regulations was laid before the Senedd for sifting in accordance with paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018. The Committee agreed on 9 November 2020, that the negative procedure was the appropriate procedure for these Regulations.

Implications arising from exiting the European Union

Save for those set out above, no other implications are identified for reporting under Standing Order 21.3 in respect of these Regulations.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

16 November 2020

