

SL(5)266 – The Sea Fishing (Miscellaneous Amendments) (Wales) Order 2018

Background and Purpose

This Order amends the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006 (S.I. 2006/1495 (W. 145)) in order to correct errors and update references to the relevant EU legislation, to secure proper enforcement.

It also amends the Tope (Prohibition of Fishing) (Wales) Order 2008 (S.I. 2008/1438 (W. 150)) and the Shrimp Fishing Nets (Wales) Order 2008 (S.I. 2008/1811 (W. 175)) in order to update references to the relevant EU legislation.

Procedure

Negative.

Technical Scrutiny

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

Merits Scrutiny

One 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 Assembly

We welcome the inclusion of a map in the Explanatory Memorandum, which sets out an easy, at-a-glance summary of the areas of sea included within the Welsh zone.

Implications arising from exiting the European Union

This Order implements various EU obligations in respect of sea fishing, and therefore this Order will form part of retained EU law after exit day.

The Intergovernmental Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks provides that fisheries management and support is a policy area likely to be subject to regulations made under section 12 of the EU (Withdrawal) Act 2018. Therefore, the law covered by this Order is likely to be an area of EU law that is frozen while common frameworks are put in place.

Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

19 October 2018

