

## **STATUTORY INSTRUMENT CONSENT MEMORANDUM**

### **The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2020**

1. This Statutory Instrument Consent Memorandum is laid under Standing Order (“SO”) 30A.2. SO 30A prescribes that a Statutory Instrument Consent Memorandum must be laid and a Statutory Instrument Consent Motion may be tabled before the Senedd if a UK Statutory Instrument (SI) makes provision in relation to Wales amending primary legislation within the legislative competence of the Senedd.
2. The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2020 (‘the 2020 Regulations’) were laid before Parliament on 20 October 2020. The 2020 Regulations can be found at:

<https://statutoryinstruments.parliament.uk/timeline/dEaap6JB/SI-2020/>

#### **Summary of the Statutory Instrument and its objective**

3. The objective of the 2020 Regulations to ensure that the United Kingdom (UK) meets its obligations under the Protocol on Ireland/Northern Ireland to the withdrawal agreement (“the Protocol”) and to place the Protocol on a legal footing, ensuring legislation operates effectively for the UK outside of the European Union (EU) in relation to the Common Fisheries Policy (CFP), required at the end of the Implementation Period (IP).
4. The 2020 Regulations make technical amendments to the following primary legislation:
  - The Fisheries Act 1981

#### **Relevant provision to be made by the SI**

5. The 2020 Regulations make technical changes to the Fisheries (Amendment) (EU Exit) Regulations 2019 which in turn update provisions in Section 30 of the Fisheries Act 1981 in relation to both Northern Ireland (NI) and Great Britain.
6. These updates enable NI to enforce its obligations under directly applicable EU law under the Protocol. Without this change, Northern Irish authorities will not be able to enforce directly applicable EU fisheries law in NI, and the UK would not be able to meet its obligations under Protocol.

#### **Why it is appropriate for the SI to make this provision**

7. There is no divergence between the Welsh Government and the UK Government on the policy of the correction. Therefore, making separate SIs in Wales and England to correct the reference in question would lead to duplication, and unnecessary complication of the statute book. Consenting

to this SI ensures that there is a single legislative framework across England and Wales, which promotes clarity and accessibility during this period of change. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.

### **Financial implications**

8. There are no anticipated financial implications for the Welsh Government associated with these Regulations.

**Lesley Griffiths AM**  
**Minister for Environment, Energy and Rural Affairs**  
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