

SL(5)158 - The Ringing of Certain Captive-bred Birds (England and Wales) Regulations 2017

Background and Purpose

These Regulations have been made for the purpose of section 6(5)(b) of the Wildlife and Countryside Act 1981 (the 1981 Act). They implement certain obligations under Articles 2, 5 and 6 of Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds. The Regulations provide for the ringing of birds bred in captivity which are mentioned in Part 1 of Schedule 3 to the 1981 Act.

Regulation 2 sets out the requirements for the ringing of birds depending upon where the bird is hatched. Schedule 1 states the maximum permitted ring sizes for the species listed.

Regulation 3 revokes the Wildlife and Countryside (Ringing of Certain Birds) Regulations 1982.

Procedure

Negative.

Technical Scrutiny

One reporting point is identified for reporting under Standing Order 21.2(ix) because this instrument has been made in English only.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Implications arising from exiting the European Union

The 1981 Act transposes Directive 2009/147/EC on the conservation of wild birds (The Wild Birds Directive) into the law in England and Wales.

The specification of maximum ring sizes is a technical standard within the scope of the EU Technical Standards Directive (the TSD). The Regulations have been notified in draft to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

The following analysis is based on the European Union (Withdrawal) Bill ("the Bill") as introduced.

These Regulations form part of "EU-derived domestic legislation" under clause 2 of the Bill, therefore these Regulations will be retained as domestic law and will continue to have effect in Wales on and after exit day. The Bill gives the Welsh Ministers power to modify these Regulations in order to deal with deficiencies arising from EU withdrawal, subject to certain limitations.

The Wild Birds Directive will not automatically form part of domestic law on and after exit day under the Bill. However, where a court or tribunal has recognised, before exit day, that an EU directive confers a right on an individual that the individual can rely on and enforce in law, then that right will form part of domestic law on and after exit day (see clause 4 of the Bill).



Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

9 January 2018

