

## UK MINISTERS ACTING IN DEVOLVED AREAS

### **The Aquatic Animal Health and Alien Species in Aquaculture (England and Wales) (Amendment) (EU Exit) Regulations 2018**

*Laid in the UK Parliament: 13 November 2018*

#### **Sifting**

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	27 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	W/C 26 November 2018
Date sifting period ends in UK Parliament	28 November 2018
Written statement under SO 30C:	Paper 20
SICM under SO 30A (because amends primary legislation)	Not required

#### **Scrutiny procedure**

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

#### **Commentary**

These Regulations are proposed to be made by the UK Government pursuant to section 8 of the European Union (Withdrawal) Act 2018.

The Regulations make amendments to two existing sets of England and Wales Regulations which relate to animal health requirements for aquaculture animals and products and the registration of aquaculture businesses. The effect of the Regulations now proposed to be made is to remove the power of EU officials to inspect UK premises and/or to accompany inspectors. They also replace references to diseases found in one particular EU Directive with a list found in an EU Regulation. The latter will form part of EU retained law, the former will not.

Legal Advisers agree with the statement laid by the Welsh Government dated 16 November 2018 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.