

UK MINISTERS ACTING IN DEVOLVED AREAS

The Invasive Non-Native Species (Amendment etc.) (EU Exit) Regulations 2019

Laid in the UK Parliament: 6 December 2018

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	W/C 17 December 2018
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 55
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	N/A
Procedure	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(1) of the European Union (Withdrawal) Act 2018 and paragraph 21 of Schedule 7 to it.

The purpose of these Regulations is to ensure that legislation relating to the prevention and management of the introduction and spread of invasive non-native species remains operable outside the EU and that the strict protections that are in place for these species are maintained. This instrument makes 'corrections' to one piece of directly applicable EU legislation and the implementing and delegated legislation under it, and also 'corrects' an operability issue in the Destructive Imported Animals Act 1932.

Legal Advisers make the following comments in relation to the Welsh Government's statement dated 11 December 2018 regarding these Regulations:

These Regulations provide an useful example, in a limited policy area, of how post Brexit arrangements may operate in an area where some functions are devolved (but not others), and in different ways in respect of different parts of the United Kingdom. They introduce the concept of appropriate authorities for the different parts of the UK and set out how they will work together.

Subject to the observations above, 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.