

STATUTORY INSTRUMENT CONSENT MEMORANDUM

The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019

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 National Assembly for Wales (“the Assembly”) if a UK Statutory Instrument (SI) makes provision in relation to Wales amending primary legislation within the legislative competence of the Assembly.
2. The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 were laid before Parliament on 15 January and are now being laid before the Assembly. The SI can be found at:

<http://www.legislation.gov.uk/ukdsi/2019/9780111178102/contents>

Summary of the Statutory Instrument and its objective

3. The objective of the SI is to correct deficiencies in legislation arising from the UK leaving the European Union relating to policing, criminal investigations, law enforcement and security.
4. This SI makes a technical correction to the Local Government (Miscellaneous Provisions) Act 1982. This correction is required to ensure that the statute book will continue to operate after exit.

Relevant provision to be made by the SI

5. The provision in question made extremely minor amendments to paragraphs 12(1)(c) and (d) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Currently the Act provides that a licence for a sex establishment (sexual entertainment venues, sex cinemas and sex shops) can only be granted to persons who are resident, or bodies corporate that are incorporated, in an EEA state. The amended version will provide that a licence can only be granted to persons resident, or bodies corporate that are incorporated, in the UK or in an EEA state.
6. It is the view of the Welsh Government that the provisions described in paragraph 5 above fall within the legislative competence of the National Assembly for Wales in so far as they relate to the licensing of sex establishments.

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 for the correction. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary

complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK, 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.

Julie James AM
Minister for Housing and Local Government
3 May 2019