

STATUTORY INSTRUMENT CONSENT MEMORANDUM

The Pilotage Act 1987 (Amendment) 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 Pilotage Act 1987 (Amendment) Regulations 2019* were laid before Parliament on 4 October 2019 and is now being laid before the Assembly. The Regulations can be found at:
<http://www.legislation.gov.uk/uksi/2019/1305/made>

Summary of the Statutory Instrument and its objective

3. The objective of the SI is to update the definition of ‘EEA State’ in the Pilotage Act 1987. This relates to the acceptance of qualifications from states that are party to the EEA Agreement. As currently drafted, the definition of EEA State in the Pilotage Act 1987 does not include states that became a party to the EEA Agreement after May 2003 when the definition was inserted into the Act.
4. The SI and accompanying Explanatory Memorandum is available here:
<http://www.legislation.gov.uk/uksi/2019/1305/memorandum/contents>
5. This SI makes amendsto the following legislation:
 - The Pilotage Act 1987

Relevant provision to be made by the SI

6. The primary legislation that is within the legislative competence of the Assembly that is amended by the draft SI is **the Pilotage Act 1987**.
7. The relevant provision in the SI is regulation 2.
8. It is the view of the Welsh Government that the provisions described above fall within the legislative competence of the National Assembly for Wales in so far as they relate to ‘devolved pilotage’, that is pilotage that
 - a. relates to a harbour wholly in Wales that is not a reserved trust port, and
 - b. is provided in a pilotage jurisdiction that does not extend beyond Wales.

9. The Regulations to which this SICM relates have the territorial extent of the UK.
10. The SI to which this Statutory Instrument Consent Memorandum relates has been laid in the UK Parliament under the negative procedure, which will automatically become law unless there is an objection from a member of either House of Parliament. If there is no such objection, the provisions that amend the primary legislation referenced in this Memorandum will come into force on 26 October 2019.

Why it is appropriate for the SI to make this provision

11. As set out under paragraph 3, there is a need to amend an out of date references to European law prior to the UK's exit from the EU.
12. It is the view of the Welsh Government that it is appropriate and proportionate to deal with these amendments in these Regulations, The change made is purely technical and uncontroversial and there is no change to policy.
13. The amendment to definition of "EEA state" is made by the in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to maritime transport. However, the Welsh Ministers have not been designated in relation to such measures, and therefore could not make this amendment.

Ken Skates AM
Minister for Economy and Transport
December 2019