

**SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM
(MEMORANDUM NO. 5)**

**DEREGULATION BILL: AMENDMENT IN RELATION TO BRITISH FISHING
BOATS ACT 1983, FISHERIES ACT 1868 AND FISHERIES ACT 1891**

1. This Legislative Consent Memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a Legislative Consent Memorandum must be laid, and a Legislative Consent Motion may be tabled, before the National Assembly for Wales if a UK Parliamentary Bill makes provision in relation to Wales for a purpose that falls within, or modifies the legislative competence of the National Assembly.
2. The Deregulation Bill (the “Bill”) was introduced in the House of Commons on 23 January 2014. The Bill can be found at:
<http://services.parliament.uk/bills/2013-14/deregulation.html>

Summary of the Bill and its Policy Objectives

3. The Bill is sponsored by the Cabinet Office. The UK Government’s policy objective for the Bill is to remove or reduce unnecessary regulatory burdens that hinder or cost money to businesses, individuals, public services or the taxpayer.
4. The Bill includes measures relating to general and specific areas of business, companies and insolvency, the use of land, housing, transport, communications, the environment, education and training, entertainment, public authorities and the administration of justice. The Bill also provides for a duty on those exercising specified regulatory functions to have regard to the desirability of promoting economic growth. In addition the Bill will repeal legislation that is no longer of any practical use.

Provisions in the Bill for which consent is sought

5. The consent of the Assembly is sought for the amendment, tabled by Lord Wallace of Saltaire in Parliament on 15th October which will repeal the British Fishing Boats Act 1983, Fisheries Act 1868 and Fisheries Act 1891 (and make the necessary consequential amendments). Details of the amendment can be found in the sixth marshalled list of Amendments to be moved in Grand Committee numbered amendment 92; this list was tabled in Parliament on 8 November 2014.
6. The British Fishing Boats Act 1983 is to be repealed in its entirety. The British Fishing Boats Act 1983 enabled fisheries legislation to be applied and enforced. It prohibits the fishing for and transshipment of sea fish by or from British fishing boats in areas specified by order made by the UK’s Fishing Authorities unless those boats satisfy prescribed conditions. The Act is obsolete as restrictions on fishing and trans-shipment are now imposed either

under the Sea Fish (Conservation) Act 1967 or are enforced under other legislation implementing EU Law. In Wales (and England), section 30(1) Fisheries Act 1981 (as amended by the Marine and Coastal Access Act 2009), now provides for the enforcement of most EU fisheries obligations.

7. The Fisheries Act 1868 is to be repealed in its entirety. The Sea Fisheries Act 1868 implements a fisheries Convention between the UK and France and amended UK fisheries legislation. The Act is now obsolete. The majority of the provisions of the 1868 Act have already been repealed as fisheries in the European Union are now governed by EU law and UK fisheries are now regulated by subsequent legislation.
8. The Fisheries Act 1891 is to be repealed in its entirety. The Fisheries Act 1891 implemented an International Declaration between the UK and Belgium in relation to North Sea Fisheries and made amendments to the law relating to sea fisheries and to salmon and freshwater fisheries. The Act is obsolete as North Sea fisheries are now governed by EU law and UK sea fisheries and salmon and freshwater fisheries are now governed by subsequent domestic legislation.
9. All three Acts have been overtaken by more recent domestic and European legislation. In fact the Acts contain some provisions that no longer comply with our EU obligations. The Acts are therefore redundant and should now be repealed.
10. All the provisions outlined above apply in relation to Wales.
11. The amendments being made to the Deregulation Bill (i.e. to repeal these three fisheries Acts and make consequential changes) do not include any powers for Welsh Ministers to make subordinate legislation.
12. It is the view of the Welsh Government that (in so far as these provisions relate to Wales) these provisions fall within the legislative competence of the National Assembly for Wales in so far as they relate to fisheries and Fishing under paragraph 1 of Part 1 of Schedule 7 to the Government of Wales Act 2006.

Advantages of utilising this Bill rather than Assembly legislation

13. It is the view of the Welsh Government that it is appropriate to deal with these provisions in the UK Deregulation Bill as it represents the most practicable and proportionate legislative vehicle to enable these provisions to apply in relation to Wales. As the proposed amendments to the Deregulation Bill (which will repeal these three fisheries Acts) are, in our view, technical and non-contentious as they repeal obsolete legislation and do not make substantive new provision. In addition, the inter-connected nature of the relevant Welsh and English administrative fisheries systems mean that it is most effective and appropriate for these amendments to be taken forward at the same time in the same legislative instrument.

Financial implications

14. There are no financial implications for the Welsh Government.

**Carl Sargeant, AM,
Minister for Natural Resources
November 2014**