

2020 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

SEA FISHERIES, WALES

**MARINE MANAGEMENT,
WALES**

**The Fisheries and Marine
Management (Amendment) (Wales)
(EU Exit) Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

In particular, these Regulations make amendments to the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/370 (W. 91)) which make amendments to subordinate legislation, which apply in relation to Wales and the Welsh zone, in the fields of fisheries and marine management.

These Regulations make provision under paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018 in order to correct an error within regulation 3 of the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019, concerning amendments made to the Marine Licensing (Exempted Activities) (Wales) Order 2011 (S.I. 2011/559 (W. 81)).

These Regulations also make provision substituting the corrections made by regulation 4 of the Fisheries and Marine Management (Amendment) (Wales) (EU

Exit) Regulations 2019, concerning amendments made to the European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016 (S.I. 2016/665 (W. 182)), in order to reflect the terms of the EU-UK Withdrawal Agreement.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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Sift requirements satisfied ***

Made ***

Laid before Senedd Cymru ***

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018⁽¹⁾, make the following Regulations.

The requirements of paragraph 4(a) of Schedule 2 to the European Union (Withdrawal) Act 2018 (relating to the requirement for consultation in certain circumstances) and of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate Senedd Cymru⁽²⁾ procedure for these Regulations) have been satisfied.

(1) 2018 c. 16. There are amendments to paragraph 21 of Schedule 7 which are not relevant to these Regulations.

(2) The reference in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

Title and commencement

1.—(1) The title of these Regulations is the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2020.

(2) These Regulations come into force immediately before implementation period completion day.

Amendment to the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019

2. The Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019(1) are amended in accordance with regulations 3 and 4.

Amendment to regulation 3 (amendment to the Marine Licensing (Exempted Activities) (Wales) Order 2011)

3. In regulation 3(2), in the new article 3A(6)(b) to be inserted in the Marine Licensing (Exempted Activities) (Wales) Order 2011(2) by that regulation, for “regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005” substitute “regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005(3)”.

Substitution of regulation 4 (amendment to the European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016)

4. For regulation 4 substitute—

“The European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016

4. In regulation 2(2) of the European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016(4), for “a reference to that instrument as amended from time to time” substitute “, so far as required for the purposes of relevant separation agreement law, a reference to that instrument as it has effect by virtue of section 7A of the European Union (Withdrawal) Act 2018 (including, so far as required, as it has effect from time to time) and “relevant separation agreement law” has the

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- (1) S.I. 2019/370 (W. 91).
(2) S.I. 2011/559 (W. 81), to which there are amendments not relevant to these Regulations.
(3) S.I. 2005/1806 (W. 138), amended by S.I. 2011/971 (W. 141) and S.I. 2015/1417 (W. 141); there are other amending instruments but none are relevant.
(4) S.I. 2016/665 (W. 182), to which there are amendments not relevant to these Regulations.

meaning given in section 7C(3) of the European Union (Withdrawal) Act 2018”(1)”.

Name

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers

Date

(1) Under Article 138 of the withdrawal agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020) and section 7A of the European Union (Withdrawal) Act 2018 certain Union programmes and activities committed under the multiannual financial framework 2014-20 and previous financial perspectives will continue to be governed by the relevant applicable EU law until the closure of those programmes and activities. Section 7A of the European Union (Withdrawal) Act 2018 was inserted by section 5 of the European Union (Withdrawal Agreement) Act 2020. Section 7C of the European Union (Withdrawal) Act 2018 was inserted by section 26(2) of the European Union (Withdrawal Agreement) Act 2020.