

Lesley Griffiths AS/MS  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: LG/3999/20

Mick Antoniw MS  
Chair of the Legislation, Justice and Constitution Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
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16 December 2020

Dear Mick

Thank you for your letter of 13 November relating to the UK Fisheries Bill and the section 109 Order under the Government of Wales Act 2006 (GOWA). I am pleased to advise the Bill received Royal Assent on 23 November.

The Fisheries Act 2020 and the EU Exit SIs contain concurrent powers. The UK Government is bringing forward a section 109 Order under GOWA to provide a carve out from the consent requirements in paragraphs 8 and 11 of Schedule 7B to GOWA. The Order was laid on 10 December.

This carve out seeks to ensure Minister of the Crown consent will not be required where the Senedd legislates to remove concurrent functions in specified enactments, including the Fisheries Act 2020 and Fisheries EU Exit SIs. However, the proposed carve out is subject to some very specific exceptions in relation to the regulation of fishing boats.

I referred to these exceptions in my letter of 30 October, and you have sought more detail on this. The exceptions protect existing Secretary of State functions to regulate British fishing boats, apart from Welsh fishing boats, in the Welsh zone. We acknowledge such functions are a unique feature of the devolution of fisheries within the UK and the rationale provided for this carve out is consistent with the existing devolution of executive and legislative fisheries powers already in place across the wider fisheries statute book.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

You also note in your letter "If appropriate to do so, we would also welcome you making this correspondence with the Secretary of State publicly available". I have attached the letter from the Secretary of State for Wales dated 5 October.

I have copied this letter to Mike Hedges MS, Chair of the Climate Change, Environment and Rural Affairs Committee.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

**Lesley Griffiths AS/MS**

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**Lesley Griffiths MS**  
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5<sup>th</sup> October 2020

*Dear Lesley .*

I am writing in respect of the application of the Government of Wales Act 2006 (Amendment) Order 2020 to the Fisheries Bill ahead of the LCM debate on the Bill in the Senedd tomorrow.

I can confirm, subject to UK government-wide clearance, that the Order will carve out concurrent functions established in the Fisheries Bill from the relevant requirements in Schedule 7B to the Government of Wales Act 2006 to allow the Senedd to remove them in future without needing the UK government's agreement. This is subject to explicit exclusions to be agreed between the UK government and the Welsh Government in light of complexities around the regulation of fishing vessels.

I am copying this letter to the Parliamentary Under Secretary of State for DEFRA and the Counsel General and Minister for European Transition.

*Simon Hart*

**Rt Hon Simon Hart MP**  
Secretary of State for Wales  
Ysgrifennydd Gwladol Cymru