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STATUTORY INSTRUMENTS

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**2019 No. 753**

The Common Fisheries Policy and Aquaculture  
(Amendment etc.) (EU Exit) Regulations 2019

PART 6

AMENDMENT OF OTHER MEASURES

**Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture**

**42.**—(1) Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture is amended as follows.

(2) In Article 24—

(a) for paragraph 1 substitute—

“1. The appropriate authority may, by regulations, amend Annex 1 or 3 in order to adapt them to technical and scientific progress.

**1A.** The Secretary of State may, by regulations—

(a) amend Annex 2 in order to adapt it to technical and scientific progress;

(b) amend Annex 4 so as to add a species.”;

(b) omit paragraph 2;

(c) in paragraph 3—

(i) for the words from “In order” to “have” substitute “Regulations under paragraph 1A(b) may only be made where the Secretary of State is satisfied that the aquatic organism has”, and

(ii) for “Union” substitute “United Kingdom”;

(d) after paragraph 3 insert—

“**3A.** In paragraph 3, “long time (with reference to its life cycle)” and “adverse effect” have the meanings given in Article 2 of [Commission Regulation \(EC\) No 535/2008](#).”; and

(e) omit paragraphs 4 to 6.

(3) Omit Articles 24a to 24c.

(4) Before Article 25 insert—

*“Article 24d*

*Regulations: devolved legislative function*

1. This Article applies to regulations made under Article 24(1).

2. Regulations made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.
3. For regulations made by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(1).
4. The power of the Department of Agriculture, Environment and Rural Affairs to make regulations is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(2).
5. A statutory instrument containing regulations made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
6. A statutory instrument containing regulations made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
7. Regulations made by the Scottish Ministers are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
8. Regulations made by the Department of Agriculture, Environment and Rural Affairs are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(3) as if they were a statutory instrument within the meaning of that Act.
9. Such regulations may—
  - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018(4)));
  - (b) make different provision for different purposes.

*Article 24e*

*Regulations: consent required*

1. This Article applies to regulations made under Article 24(1A).
2. The Secretary of State may only make regulations in relation to the whole of the United Kingdom.
3. The Secretary of State may not make regulations without the consent of—
  - (a) in relation to Wales, the Welsh Ministers;
  - (b) in relation to Scotland, the Scottish Ministers;
  - (c) in relation to Northern Ireland, the Department for Agriculture, Environment and Rural Affairs.
4. Where any of the parties mentioned in paragraph 3(a) to (c) requests that the Secretary of State make regulations to which this Article applies, the Secretary of State must have regard to that request.
5. Regulations made by the Secretary of State are to be made by statutory instrument.
6. A statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

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(1) 2010 asp 10.

(2) S.I. 1979/1573 (N.I. 12).

(3) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

(4) 2018 c. 16.

7. Such regulations may—
  - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018));
  - (b) make different provision for different purposes.”.