

## **EXPLANATORY MEMORANDUM TO**

### **The Sea Fishing (Miscellaneous Amendments and Revocations) Order (Northern Ireland) 2018**

**SR 2018 No. 185**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by section 127(1) and (3A) of the Fisheries Act (Northern Ireland) 1966, Section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 and section 30(2) of the Fisheries Act 1981 and is subject to negative resolution.

#### **2. Purpose**

- 2.1. This Statutory Rule is being made to provide a number of minor necessary amendments and updates to existing Northern Ireland Statutory Rules before the United Kingdom leaves the European Union.
- 2.2. The Statutory Rule also revokes, in terms of their application to Northern Ireland, a number of UK Statutory instruments which have been previously revoked in England and Wales. The Rule also revokes a number of NI Statutory Rules which are no longer effective.

#### **3. Background**

- 3.1. The Department has carried out a review of its existing sea fisheries legislation following the Referendum vote in June 2016 which resulted in the UK leaving the European Union.
- 3.2. The review has identified a number of amendments that are necessary to tidy up legislation under existing powers in the European Communities Act 1972 prior to exit day.
- 3.3. In this Statutory Rule the amendments are minor and technical and do not involve making new policy. They merely insert updated fishing boat references in the Crabs and Lobsters (Minimum Size) Order (Northern Ireland) and substitute “lay magistrate” in place of “justice” and “justice of the peace” in the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations (Northern Ireland) 2001, and revoke a number of UK Statutory Instruments that no longer apply.

#### **4. Consultation**

- 4.1. As there is no statutory requirement to do so, the Department has not consulted on the provisions in this Rule.

#### **5. Equality Impact**

- 5.1. There are no equality issues associated with the Statutory Rule. As explained in paragraph 3.3 the amendments are minor and technical and do not have any adverse impact on persons in Section 75 of the Northern Ireland Act 1998.

#### **6. Regulatory Impact**

- 6.1. This Statutory Rule does not have any material impact on small businesses nor the community or voluntary sector.

#### **7. Financial Implications**

- 7.1. There are no financial implications associated with the making of this Statutory Rule.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. This Statutory Rule complies with the provisions set out in Section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

- 9.1. This Statutory Rule contains some amendment to Statutory Rules which had been made under powers of the European Communities Act 1972. However, the amendments do not implement any EU Legislation. Rather, Schedule 1 updates references in domestic Northern Ireland subordinate legislation and Schedules 2 and 3 revoke Statutory Instruments/Rules which no longer continue to apply in Northern Ireland.

#### **10. Parity or Replicatory Measure**

- 10.1. Schedule 2 revokes a number of UK Statutory Instruments insofar as they have continued to be extant in Northern Ireland. These Instruments have been revoked previously in terms of their application in England and Wales.

#### **11. Additional Information**

- 11.1. For further information contact Paddy Campbell (02844618007) or Patrick Smith (Tel. 028448618111) at the Department of Agriculture, Environment and Rural Affairs or e-mail [patrick.smith@daera-ni.gov.uk](mailto:patrick.smith@daera-ni.gov.uk) or [seafisheries@daera-ni.gov.uk](mailto:seafisheries@daera-ni.gov.uk).