

EXPLANATORY MEMORANDUM TO

The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Amendment) Regulations (Northern Ireland) 2016

SR 2016 No. 120

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development 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 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule amends the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations (Northern Ireland) 2005, mainly to update out of date references to enabling European legislation that has been repealed since 2005.
- 2.2. The Rule provides for the administration and enforcement, in part, of Articles 59, 62, 63, 64, 65, 66 and 67 of Council Regulation (EC) No 1224/2009 (the Control Regulation) establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, in particular requirements relating to the first marketing and purchasing of fish.
- 2.3. The Rule also corrects minor errors in the original 2005 Regulations (see regulations, 2(10), 2(11)b, 2(13)(a), 2(14) and 2(15)(a) of the Rule).

3. Background

- 3.1. The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations (Northern Ireland) 2005 made provision for the administration and enforcement of a system for registering sellers and buyers of first sale fish and the designation of fish auction sites. The Regulations implemented Article 22 of Council Regulation (EC) No 2371/2002 and Article 9 of Council Regulation (EEC) No 2847/93 and included references to this EU legislation.
- 3.2. This EU legislation was superceded by Council Regulation (EC) No 1224/2009. Council Regulation (EEC) No 2847/93 was repealed by Council Regulation (EC) No 1224/2009 and Council Regulation (EC) No 2371/2002 was repealed by Regulation (EU) No 1380/2013 of the European Parliament and of the Council.
- 3.3. Whilst the system for registration of buyers and sellers and designation of fish auction sites remained in place, incidences of non-compliance could not be enforced unless references to obsolete EU legislation were replced with references to the EU legislation currently in force.

4. Consultation

- 4.1. Given that the proposed amendments did not affect the existing policy and operation of the registration system and that the amendments were mainly technical in nature a shortened consultation with existing auction sites, registered buyers and sellers and the two local fish producer organisations was held from 13th July 2015 to 21st August 2015.
- 4.2. Only one response was received from one registered buyer and seller. The respondent agreed with the proposed amendments. The low response suggests that the proposals were not controversial and that the industry is content with them.

5. Equality Impact

- 5.1. In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. The Regulations have been screened out and the Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

- 6.1. The amendments will have no effect on businesses that are currently registered as buyers and sellers of first sale fish, as no additional requirements have been added. Businesses that register for the first time or who re-register will have to submit take-over declarations if they are responsible for fish that is not sold immediately. This is a requirement of Articles 66 and 67 of the "Control Regulation", but was not included in the original Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations (Northern Ireland) 2005.
- 6.2. The Department is content that the proposed legislation meets DARD's commitment to Better Regulation and "gold plating" is not applicable.

7. Financial Implications

- 7.1. There are no financial implications. The Regulations update the existing legislation concerning buying and selling of first sale fish. Registration is free of charge.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations deal with implementation of the EU fisheries Control Regulation with regard to designation of auction sites and the registration of buyers and sellers of first sale fish. They do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. The amendments are required to enable the Department to continue to enforce and satisfactorily implement EU obligations relating to the registration of buyers and sellers of first sale fish and the designation of fish auction sites.

10. Parity or Replicatory Measure

- 10.1. England and Wales made similar amendments to their Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations 2005 (SI 2005 No.1605) via the Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015. Scotland replaced and updated their equivalent Regulations and incorporated them within the Sea Fishing (EU Control Measures) (Scotland) Order 2015.

11. Additional Information

- 11.1. There have been no material changes to the Statutory Rule since the SL1 was considered by the Agriculture and Rural Development Committee on 23rd February 2016.