
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 (c.68) and paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018 (c.16). These Regulations make amendments to legislation concerning technical conservation measures for sea fisheries. The amendments update references to a number of EU instruments referred to in that legislation. The amendments also address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Part 2 amends the following subordinate legislation concerning technical conservation measures relating to sea fisheries: the Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000; the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000; the Shrimp Fishing Nets (Scotland) Order 2004; the Sea Fishing (Prohibition on the Removal of Shark Fins) (Scotland) Order 2007; and the Sea Fishing (Transitional EU Technical Conservation Measures) (Scotland) Order 2010. Regulations 2 to 6 update or replace out of date references to EU law with either equivalent text or references to current EU instruments. References to EU instruments which are no longer in force are removed and, where appropriate, references to repealed EU instruments are replaced with references to current EU equivalents.

Part 3 makes amendments to subordinate legislation concerning technical conservation measures relating to sea fisheries. Regulations 7 and 8 make amendments to remedy deficiencies arising from the withdrawal of the United Kingdom from the European Union by updating, replacing or removing EU references, including references to EU instruments, which will become redundant or will no longer be appropriate after exit day.

A Business and Regulatory Impact Assessment has not been produced for this instrument as no significant impact on the private or voluntary sectors is foreseen.