

EXPLANATORY MEMORANDUM TO
THE TRANSFER OF FUNCTIONS (SEA FISHERIES) ORDER 2012

2012 No. 2747

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The instrument transfers to the Secretary of State or the Secretary of State for Environment, Food and Rural Affairs functions under certain enactments relating to sea fishing.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The instrument transfers to the Secretary of State or the Secretary of State for Environment, Food and Rural Affairs functions of the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with sea fishing in Northern Ireland under certain enactments relating to sea fishing.

4.2 The functions transferred are those under the Sea Fish (Conservation) Act 1967 (except sections 4(6C) and (6D) and 4AA), section 5 of the Sea Fisheries Act 1968, section 2 of the Fishery Limits Act 1976, section 30(2) of the Fisheries Act 1981 and section 1 of the British Fishing Boats Act 1983.

5. Territorial Extent and Application

5.1 This instrument extends to the whole of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Certain powers relating to the regulation of sea fishing under pre-devolution enactments are still shared jointly between the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with sea fishing in Northern Ireland. A consequence of this is that statutory instruments made under certain fisheries legislation still require the signature of the Secretary of State for Northern Ireland. The opportunity is now being taken to remove this anomaly by transferring the relevant powers so that they are held solely by the Secretary of State or the Secretary of State for Environment, Food and Rural Affairs.

8. Consultation outcome

8.1 Due to the limited nature of this instrument no public consultation has been carried out.

9. Guidance

9.1 No guidance is considered necessary for this instrument.

10. Impact

10.1 This instrument relates solely to the transfer of certain statutory functions relating to sea fishing and will have no impact on business. An Impact Assessment has not therefore been prepared.

11. Regulating small business

11.1 The legislation does not affect small businesses.

12. Monitoring & review

12.1 Considering the nature of this Order, a review is not expected to be undertaken.

13. Contact

Keith Porter at the Department for Environment Food and Rural Affairs, tel: 0207 238 4434 or email: keith.porter@defra.gsi.gov.uk can answer any queries regarding the instrument.