
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518) (“the EIA Regulations”) and the Marine Strategy Regulations 2010 (S.I. 2010/1627) (“the Marine Strategy Regulations”). The amendments are consequential on the transfer to the Welsh Ministers by sections 29, 46 and 47 (respectively) of the Wales Act 2017 (c. 4) of certain functions relating to harbours that are wholly in Wales, and functions relating to marine licensing and marine conservation in the Welsh offshore area under the Marine and Coastal Access Act 2009 (c. 23).

The effect of the amendments to the EIA Regulations is that, for the purposes of those Regulations—

- (a) the Welsh Ministers are the appropriate authority for harbours that are wholly in Wales (other than reserved trust ports) (regulation 2(2)(a));
- (b) the Welsh Ministers are “the relevant authority” where a regulated activity is likely to have a significant effect on the environment of the Welsh offshore region and the Welsh Ministers are not the appropriate authority (regulation 2(2)(c)).

The EIA Regulations are also amended to remove the requirement for Treasury consent under paragraphs (4)(a), (4)(b) and (4)(d) of regulation 3 (fees) (regulation 2(3)).

The effect of the amendments to the Marine Strategy Regulations is as follows—

- (a) for the purposes of those Regulations, the Welsh Ministers are the competent authority for the Welsh offshore region (regulation 3(2)(a));
- (b) for the purposes of any relevant function exercisable by the Welsh Ministers, the devolved marine area includes the Welsh offshore region (regulation 3(2)(b));
- (c) the Welsh Ministers and the Secretary of State must co-operate in relation to the exercise of any relevant function of the Secretary of State within the Welsh offshore region (regulation 3(3)).

The Marine Strategy Regulations are also amended to reflect the transfer of functions to the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76).

An impact assessment has not been produced for this instrument since it involves changes to the powers of the Welsh Ministers which have been considered in the impact assessment which accompanied the Wales Bill. That impact assessment is accessible at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/527740/Wales_Bill_impact_assessment.pdf. Copies of this document are available from the Marine Planning, Licensing & Coastal Integration Policy Team, Marine and Fisheries Directorate, Department for Environment, Food and Rural Affairs, 9 Millbank, c/o 17 Smith Square, London, SW1P 3JR. In addition, a copy of this document has been placed in the libraries of both Houses of Parliament.