

EXPLANATORY MEMORANDUM TO
THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION
(AMENDMENT) ORDER 2019

2019 No. 1239

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (“Defra”) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The instrument corrects an error in one of the coordinates that defines the northern boundary of the North Western Inshore Fisheries and Conservation Authority (“NWIFCA”) district.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 The NWIFCA and the boundaries of the NWIFCA district were established by the North Western Inshore Fisheries and Conservation Order 2010 (“the 2010 Order”). Articles 3(4) and 3(5) of that Order define the area of sea forming part of the NWIFCA district. The northern and southern sea boundaries of the NWIFCA district are delineated by the co-ordinate points set out in Parts 1 and 2 respectively of the Schedule to the 2010 Order.
- 6.2 In January 2019, the NWIFCA informed Defra of an error in the coordinate of latitude for boundary point 15 in Part 1 of the Schedule to the 2010 Order. This instrument, corrects the coordinate error in Part 1 of the Schedule to the 2010 Order.

7. Policy background

What is being done and why?

- 7.1 Part 1 of the Schedule to the 2010 Order defines the northern boundary of the district. The latitude coordinate at point 15 is listed as ‘53° 33.94’ N’, whereas it should read ‘54° 33.94’ N’. The coordinate as listed is manifestly incorrect, being situated outside the six nautical mile seaward boundary of the NWIFCA district set out in Article 3(4) of the 2010 Order.
- 7.2 This amending instrument corrects the coordinate reference at point 15 of Part 1 of Schedule 1.
- 7.3 This amendment is a correction of a coordinate error in the 2010 Order and no policy change is made by this instrument. There will be no change to how stakeholders operate as a result.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 There are no plans to consolidate this legislation.

10. Consultation outcome

- 10.1 Section 152 of the Marine and Coastal Access Act 2009 requires the Secretary of State to consult the following when amending any order establishing an Inshore Fisheries and Conservation (IFC) district made under section 149 of the Marine and Coastal Access Act 2009:
- a) the authority for the IFC district established by the order,
 - b) the council for every local authority area that falls within the IFC district established by the order,
 - c) the Environment Agency,
 - d) Natural England,
 - e) the Marine Management Organisation,
 - f) the authority for any IFC district that adjoins the IFC district established by the order,
 - g) the Welsh Ministers, in a case where the IFC district established by the order adjoins the Welsh inshore region,
 - h) the Natural Resources Body for Wales, in a case where the IFC district established by the order adjoins the Welsh inshore region, and
 - i) any other person likely to be affected by the amendment or revocation of the order.
- 10.2 A consultation letter was therefore sent to the following bodies for their comment for a period of three weeks between 2 July 2019 and 23 July 2019:
- a) the NWIFCA,

- b) Blackpool Borough Council, Cheshire West and Chester Council, Cumbria County Council, Halton Borough Council, Lancashire County Council, Liverpool City Council, Sefton Council and Wirral Metropolitan Borough Council,
- c) the Environment Agency,
- d) Natural England,
- e) the Marine Management Organisation,
- f) the Northumberland and the North Eastern IFCAs,
- g) the Welsh Ministers (because the southern part of this IFC district adjoins the Welsh inshore region),
- h) Natural Resources Wales, and
- i) Marine Scotland (because the northern part of this IFC district adjoins the Scottish inshore region)

10.3 There were no objections to this amendment.

11. Guidance

11.1 Defra has not issued any guidance in relation to this instrument.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because the amendment made by this instrument does not constitute any change to policy and no significant impact on business is foreseen as a result of this amendment (less than +/- £5 million net annualised).

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise the impact on small businesses. As stated above, there is expected to be no significant impact on business as a result of this instrument as it relates to the correction of a coordinate error in the 2010 Order and does not otherwise affect the existing regulatory position under that Order.

13.3 We did not consult businesses employing up to 50 people on the basis that fishers are currently fishing using the correct coordinates and are unaware of the coordinate error.

14. Monitoring & review

14.1 Under Section 183 of the Marine and Coastal Access Act 2009, the Secretary of State for Environment, Food and Rural Affairs is required to lay before Parliament a report about the conduct and operation of the authorities for any IFC districts at the end of every relevant four year period.

14.2 The regulation does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act George Eustice has made the following statement: "I consider that inserting a review provision is not appropriate because this instrument relates to the correction of a coordinate error in

the 2010 Order establishing the NWIFCA and district and there is not expected to be a significant impact on business (greater than +/- £5 million net annualised). It would not be proportionate to do so.”

15. Contact

- 15.1 Martina Di Fonzo at the Department for Environment, Food and Rural Affairs, Telephone: 020 8415 2307 or email: Martina.DiFonzo@defra.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Simon Brockington, Deputy Director for Evidence, Fisheries Funding and Domestic Marine Policy at the Department for Environment, Food and Rural Affairs can confirm that this explanatory memorandum meets the required standard.
- 15.3 George Eustice MP, Minister of State at the Department for Environment, Food and Rural Affairs can confirm that this explanatory memorandum meets the required standard.