2019 No. 753

The Common Fisheries Policy and Aquaculture
(Amendment etc.) (EU Exit) Regulations 2019

PART 5
TRANSFER OF LEGISLATIVE FUNCTIONS
CHAPTER 1
AMENDMENT OF THE BASIC REGULATION

Common Fisheries Policy

Common Fisheries Policy is amended as follows.

(2) In Article 15 for paragraph 6 substitute—

“6. A fisheries administration may make regulations laying down a specific discard plan for a particular fishery containing the specifications referred to in points (a) to (e) of paragraph 5 of this Article.”.

(3) In Article 24 for paragraph 4 substitute—

“4. Subject to paragraph 5, the Secretary of State may make regulations establishing technical operational requirements for the recording, format and transmission of the information referred to in paragraph 1.

5. Where, in the circumstances described in paragraph 6, the exercise of the power to make regulations under paragraph 4 would be outside the jurisdiction of the Secretary of State under Article 1(7), before making such regulations under that power the Secretary of State must obtain the consent of—

(a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) in the circumstances described in paragraph 6;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) in the circumstances described in paragraph 6;

(c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) in the circumstances described in paragraph 6.

6. The circumstances referred to in paragraph 5 are circumstances where the power in paragraph 4 is treated as a power exercisable by “a fisheries administration” instead of a power exercisable by the Secretary of State.”.

(4) For Article 47 substitute—

“Article 47
Regulations

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(1).

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(2).

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(3) as if they were a statutory instrument within the meaning of that Act.

8. Such regulations may—

(a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018(4)));

(b) make different provision for different purposes.”.

(1) 2010 asp 10.
(2) S.I. 1979/1573 (N.I. 12).
(3) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.
(4) 2018 c. 16.