



# Fisheries Act 2020

## 2020 CHAPTER 22

### *Powers to make further provision*

#### **41 Procedural requirements for regulations under section 36 or 38**

- (1) Before making regulations under section 36 or 38, the Secretary of State must consult—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) the Northern Ireland department, and
  - (d) such other persons likely to be affected by the regulations as the Secretary of State considers appropriate.
- (2) Regulations under section 36 or 38 are subject to the affirmative resolution procedure if they contain provision—
  - (a) amending or repealing primary legislation;
  - (b) imposing fees;
  - (c) creating a criminal offence or increasing the penalty for, or widening the scope of, a criminal offence; or
  - (d) conferring functions on, modifying functions of, or otherwise relating to the regulation of—
    - (i) a producer organisation in the United Kingdom, or
    - (ii) an inter-branch organisation in the United Kingdom.
- (3) Subject to subsection (2), regulations under section 36 or 38 are subject to the negative resolution procedure.