

EXPLANATORY MEMORANDUM TO
THE SURFACE WATERS (SHELLFISH) (CLASSIFICATION) (AMENDMENT)
REGULATIONS 2009

2009 No. 1266

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 Shellfish Waters Directive (79/923/EEC) was implemented in England and Wales by The Surface Waters (Shellfish) (Classification) Regulations 1997 (S.I. 1997/1332). In 2006 the European Commission reviewed the Directive to consolidate the amendments which had been made to the Directive since the 1970s. The review process produced a new version of the Directive, but made no changes to the substance of it. The purpose of these Regulations is to incorporate this change into domestic legislation.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Context

4.1 The Regulation updates the reference to the revised Shellfish Waters Directive (2006/113/EC).

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

5.2 Directive 2006/113/EC is implemented in Scotland by the Surface Waters (Shellfish) (Classification) (Scotland) Amendment Regulations 2007 (S.I. 2007/427).

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

- *What is being done and why*

7.1 The Surface Waters (Shellfish) (Classification) Regulations 1997 are being amended to reflect the codification of Council Directive 79/923/EEC and its amendments into a single text now contained in Directive 2006/113/EC of the European Parliament and of the Council (OJ No L 376, 27.12.2006, p 14). There is no change to policy.

- ***Consolidation***

7.2 The amendment reflects a consolidation of EU legislation.

8. Consultation outcome

8.1 No consultation has been carried out as this is only a technical change with no impact on policy or enforcement.

9. Guidance

9.1 No guidance has been prepared as this is only a technical change with no impact on policy or enforcement.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible as this is a technical change.

10.2 The impact on the public sector is negligible as this is a technical change.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to small business.

12. Monitoring & review

12.1 The Environment Agency is responsible for monitoring and enforcement as required by these Regulations. Monitoring data is reported to Defra annually.

13. Contact

Elaine Connolly at the Department for Environment, Food and Rural Affairs Tel: 020 7238 4451 or email: Elaine.connolly@defra.gsi.gov.uk can answer any queries regarding the instrument.