

UK MINISTERS ACTING IN DEVOLVED AREAS

The Maritime Transport Access To Trade And Cabotage (Revocation) (EU Exit) Regulations 2018

Laid in the UK Parliament: 29 October 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	13 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	12 November 2018
Date sifting period ends in UK Parliament	19 November 2018
Written statement under SO 30C:	Paper 2
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

Assembly Legal Services agree with the summary and objective of the amendments made by these Regulations as set out by the Welsh Government in its Written Statement.

However, Legal Services notes an inconsistency between the English and Welsh language versions of the Written Statement, and wishes to bring this inconsistency to the attention of Members.

At the beginning of the section titled “Why agreement is given”, the English version states that “this SI revokes a variety of EU legislation around shipping/maritime transport services”. However, the Welsh version states that the SI “amends” a variety of EU legislation around shipping/maritime transport services. It is the view of Legal Services that the English version of the Written Statement provides a more accurate

representation, as the majority of EU law affected by these Regulations is revoked, rather than merely amended.

As to the reasons why the Welsh Government think it is appropriate that these UK Government Regulations include the devolved provisions, Members may wish to consider the reasoning provided in the final three paragraphs of the Written Statement:

“The reservation of shipping in GoWA 2006 applies to ships on the sea or any other waterway and it covers all aspects of shipping, including shipping services. The competence of the NAFW is only in respect of financial assistance for shipping services to, from or within Wales.

The Welsh Government consider that it would not be proportionate for the Welsh Ministers to legislate in such a limited way, and that it is appropriate for the UK Government to do. No practical impact for Wales is expected to arise from these changes.

On this basis, it is considered making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Agreeing to a UK wide/ England and Wales wide SI ensures that there is a coherent approach wherever possible in preparing the statute book to function properly after the UK has left the EU. This approach will promote the clarity and accessibility of legislation across the UK. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.”