



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2018**

DATE **18 December 2018**

BY **Lesley Griffiths AM, Minister for Environment, Energy and Rural Affairs**

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2018

European Directly Applicable Instruments amended by the 2019 Regulations

- Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive)
- Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) (collectively known as the Nature Directives)

Primary Legislation

- The Wildlife and Countryside Act 1981.

Secondary Legislation

- The Conservation of Habitats and Species Regulations 2017 (England and Wales)
- The Conservation of Offshore Marine Habitats and Species Regulations 2017 (UK)

Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence

This instrument respects the existing devolution settlement. The National Assembly for Wales has legislative competence in relation to Wales Habitats and Wild Birds.

However, in relation to the offshore marine area, defined in the Government of Wales Act 2006 as the Welsh zone, Welsh Ministers possess executive competence for this area. The National Assembly for Wales does not possess legislative competence for the Welsh zone.

Legislative functions are transferred to the Secretary of State under the new Regulation 84A to the Conservation of Offshore Marine Habitats and Species Regulations 2017. However, this transfer does not impact on the legislative competence of the National Assembly for Wales, or the executive functions exercised by the Welsh Ministers under the Conservation

of Offshore Marine Habitats and Species Regulations 2017.

The purpose of the amendments

The 2018 Regulations (affirmative procedure) allow for the continued implementation of habitat and species protections provided for by the Nature Directives following exit day. There is no change to policy. The changes ensure the Conservation of Habitats and Species Regulations 2017 and Conservation of Offshore Marine Habitats and Species Regulations 2017 continue to work after exit day.

The 2018 Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/3Mb6uXHL>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU.

A Statutory Instrument Consent Memorandum has also been laid in the National Assembly in respect of the amendments to The Wildlife and Countryside Act 1981.