

Constitutional and Legislative Affairs Committee Report

CLA468 – The Keeping and Introduction of Fish (Wales) Regulations 2014

These Regulations control the keeping and introduction of fish in inland waters (subject to some exceptions relating to aquaculture production).

They also provide for: (1) the Natural Resources Body for Wales to grant permits to keep and introduce fish into inland waters, and the conditions that may be attached to permits; (2) the revocation, suspension and variation of permits; (3) the enforcement of the Regulations; (4) the offences and penalties for breaching the Regulations; (5) an existing licence granted under section 1 of the Import of Live Fish (England and Wales) Act 1980 to be deemed to be a permit under the Regulations.

Procedure: Affirmative

1. Technical Scrutiny

Two points are identified for reporting under Standing Order 21.2.

First, under Standing Order 21.2(viii) (uses gender specific language), the use of “he” in Regulation 12(1)(g) in the English text.

Secondly, under Standing Order 21.2(vi) (drafting appears to be defective), the use of “inspector” (“arolygydd”) instead of “officer” (“swyddog”) in Regulation 12(5) in the English and Welsh texts.

2. Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

3. Government Response

The Government accepts the point raised in relation to regulation 12(1)(g) of the Regulations. The word “he” should be replaced with the words “the officer”. An equivalent change is also needed to the Welsh language text of Regulation 12(1)(g). This error does not change the meaning or affect the validity of the instrument and will be corrected upon publication.

The Government accepts the point raised in relation to regulation 12(5) of the Regulations. The word “inspector” should be replaced with the word “officer”. An equivalent change is also needed to the Welsh language text of Regulation 12(5). This error does not change the meaning or affect the validity of the instrument and will be corrected upon publication.

4. Committee Consideration

The Committee considered the instrument at its meeting on 1 December 2014 and reports to the Assembly in line with the technical reporting points in section 1 above.