EXPLANATORY MEMORANDUM TO

THE EUROPEAN COMMUNITIES (IMMUNITIES AND PRIVILEGES OF THE NORTH ATLANTIC SALMON CONSERVATION ORGANIZATION AND NORTH-EAST ATLANTIC FISHERIES COMMISSION) (REVOCATION) REGULATIONS 2026

2026 No. 518

1. Introduction

1.1 This Explanatory Memorandum has been prepared by Foreign, Commonwealth & Development Office and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Sifting Committees.

2. Declaration

2.1 Minister Chris Elmore, Parliamentary Under Secretary of State (Multilateral, Human Rights, Latin America and the Caribbean) at the Foreign, Commonwealth & Development Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Eleanor Mackewn, Deputy Director for Protocol at the Foreign, Commonwealth & Development Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Tom Franey at the Foreign, Commonwealth & Development Office, email: protocol.dmiouintorgs@fcdo.gov.uk; can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The instrument revokes three items of assimilated law in their entirety, those being: the European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization) Order 1985, the European Communities (Immunities and Privileges of the North-East Atlantic Fisheries Commission) Order 1999 and the European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization) Order 2001. These Orders confer privileges and immunities on the North Atlantic Salmon Conservation Organization (NASCO) and on the North-East Atlantic Fisheries Commission (NEAFC), as well as representatives of its members and its officials. These privileges and immunities are conferred according to the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the North Atlantic Salmon Conservation Organization, signed at Edinburgh, 26 April 1985, as amended by the exchange of notes of 20 December 2000 and 4 January 2001 and the Headquarters Agreement between the Government of the United Kingdom of Great Britain and

Northern Ireland and the North-East Atlantic Fisheries Commission, signed at London 18 February 1999.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

5. Policy Context

What is being done and why?

5.1 The three Orders to which this instrument relates were made under section 2(2) of the European Communities Act 1972 (ECA). The Orders are therefore secondary assimilated law within the meaning of section 12(2) of Retained EU Law (Revocation and Reform) Act 2023.

The Retained EU Law (Revocation and Reform) Act 2023 ("REUL Act") provides the Government with powers to revoke secondary assimilated law. The relevant powers in the Retained European Union Law (Revocation and Reform) Act 2023 will sunset on 23 June 2026. As a result, this instrument takes the opportunity to revoke three items of assimilated law in accordance with the intention of the Act.

This instrument will come into force on the 31 March 2027. This is to allow sufficient time for instruments to be made under the International Organisation Act 1968 prior to this instrument coming into force, and for Orders to be made in Scotland to legislate for devolved competencies, therefore, maintaining the privileges and immunities granted to these organisations in accordance with their respective Headquarters Agreement.

It is now standard practice for the majority of international organisations with headquarters in the UK to have privileges and immunities conferred under the International Organisations Act 1968. Accordingly, this approach is planned to bring NASCO and NEAFC's legislative framework in line with current practice and drafting standards. A replacement instrument for both NASCO and NEAFC will therefore, be prepared and subject to approval will be made under the International Organisations Act 1968, with provision for Scotland to legislate in respect of devolved competencies. This approach - and replacement Orders - will allow for amendments or the revocation of the Orders beyond sunset of the REUL Act 2023, should that be required.

What was the previous policy, how is this different?

5.2 The policy is unchanged. Privileges and immunities are conferred on NASCO and NEAFC on the basis of functional need, and in accordance with their respective Headquarters Agreement.

6. Legislative and Legal Context

How has the law changed?

6.1 The instrument will revoke the Orders a using the power in Section 14(1) the REUL Act. The instrument will come into force on 31 March 2027 to allow time for replacement instruments to be made under the International Organisations Act 1968. This is to enable the continuity of the privileges and immunities accorded to NASCO

and NEAFC, their representatives and officials in the UK, in accordance with their respective Headquarters Agreement.

The NASCO Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the North Atlantic Salmon Conservation Organization, signed at Edinburgh, 26 April 1985, as amended by the exchange of notes of 20 December 2000 and 4 January 2001. The Agreement and corresponding statutory instrument, The European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization) Order 1985 and The European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization) Order 2001 confer privileges and immunities on the Organisation, representatives of its members and officials.

The NEAFC Headquarters Agreement was signed on 18 February 1991 and entered into force on 18 February 1999. The European Communities (Immunities and Privileges of the North-East Atlantic Fisheries Commission) Order 1999 confers privileges and immunities on the Organisation, representatives of its members and officials.

The Orders for NASCO and NEAFC were made under section 2(2) of the European Communities Act 1972 (ECA).

The European Communities Act 1972 (including the section 2(2) power used to make, amend or revoke secondary instruments) was repealed on 31 January 2020 by Section 1 of the European Union (Withdrawal) Act 2018, so it can no longer be used as a live enabling power.

Instruments originally made under section 2(2) of the ECA 1972 continue to exist as assimilated/retained EU law, under the Retained EU Law (Revocation and Reform) Act 2023.

The relevant powers in the Retained European Union Law (Revocation and Reform) Act 2023 (REUL Act) will sunset on 23 June 2026, after which the powers to revoke or amend NASCO and NEAFC's legislation will cease.

Why was this approach taken to change the law?

6.2 This is the best approach to retain the ability to amend or revoke the privileges and immunities for both Organisations beyond 23 June 2026.

7. Consultation

Summary of consultation outcome and methodology

7.1 The policy content of the Agreements is foreign policy, specifically privileges and immunities of international organisations of whom the UK is a member, which relates fully to reserved matters.

The domestic implementation of privileges and immunities does however engage devolved areas and matters fall within the legislative competence of Scottish Parliament. As the existing legislation for NASCO and NEAFC pre-date the Scotland Act 1998, there is no Scottish Order for Scotland to revoke separately. Therefore, consent was obtained from the Cabinet Secretary for Justice and Home Affairs at Scottish Government, on 25 February 2026 to legislate for devolved Scottish matters in this instrument.

8. Applicable Guidance

8.1 No guidance will be produced for this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it does not impose new obligations or costs. The privileges and immunities currently conferred to both Organisations will be maintained.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this instrument will revoke assimilated law.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 As this instrument is made under the REUL Act 2023, no review clause is required.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument is being laid for sifting by the Sifting Committees as it includes changes made under section 14(1) of the Retained EU Law (Revocation and Reform) Act 2023 and it is proposed that it be subject to approval under the negative resolution procedure.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is made under section 14(1) of the Retained EU Law (Revocation and Reform) Act 2023 and therefore relates to the reform of secondary assimilated law.

13.2 The Minister has made any relevant statements, below, under the 2023 Act.

13.3 The Minister of State for Multilateral, Human Rights, Latin America and the Caribbean at the Foreign, Commonwealth & Development Office has made the following statement regarding use of legislative powers in the Retained EU Law (Revocation and Reform) Act 2023:

"In my view The European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization and North-East Atlantic Fisheries Commission) (Revocation) Regulations 2026 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure). The negative procedure is deemed appropriate, as the instrument does not introduce new policy or make any substantive changes to the privileges and immunities

conferred on either organisation. Its purpose is limited to revoking existing legislation made under the European Communities Act 1972 and enabling that legislation to be replaced by Orders made under the International Organisations Act 1968, which is the established statutory framework for conferring privileges and immunities on international organisations headquartered in the United Kingdom.

This approach is necessary to ensure continuity, legal certainty and coherence in the United Kingdom's treatment of international organisations. It aligns the legislative framework for the North Atlantic Salmon Conservation Organization and the North-East Atlantic Fisheries Commission with current practice, supports the UK's ongoing compliance with its international obligations under the relevant Headquarters Agreements, and preserves the Government's ability to amend or revoke those privileges and immunities in the future if required beyond the sunset of the powers in the Retained EU Law (Revocation and Reform) Act 2023 in June 2026, without the need for future primary legislation."