EXPLANATORY MEMORANDUM TO

THE FISHERIES AND RURAL AFFAIRS (MISCELLANEOUS REVOCATIONS) REGULATIONS 2017

2017 No. 1166

1. Introduction

1.1 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 purpose of this instrument is to revoke one redundant instrument related to seal fisheries and one in related to agricultural wages.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 This instrument will revoke two regulations relating to fisheries and rural affairs.

4.2 The Seal Fisheries (North Pacific) Act, 1912 prohibited the catching of Seals and Sea Otters in certain parts of the Pacific Ocean. The Seal Fisheries (North Pacific) Act 1912 (Amendment) Regulations 1996 amended this Act which has itself now been repealed. As such, these regulations are spent and can be revoked in relation to England and Wales.

4.3 The Agricultural Wages (Abolition of Permits to Incapacitated Persons) Regulations 2004 removed the requirement to grant permits of exemption to incapacitated workers as set out in the Agricultural Wages Act 1948 as they were no longer compatible with the EU Council Directive (2000/78/EC) which established a general framework for equal treatment in employment and occupation. As such, these regulations have been superseded and can be revoked in relation to England only.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 Regulation 2 applies to England and Wales and Regulation 3 applies to England only.

6. European Convention on Human Rights

6.1 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 As part of Defra's commitment to the Red Tape Challenge initiative a number of regulations were identified as redundant and suitable for revoking. This instrument is being made to revoke two of those relating to fisheries and rural affairs.

8. Consultation outcome

8.1 These are legislative functions which require no outside consultation.

9. Guidance

9.1 No guidance or any other form of publicity is required as this instrument simply revokes redundant legislation.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

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

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

11.2 However, as with all businesses, revocation of these redundant instruments will have no impact on them so no mitigating action is necessary.

12. Monitoring & review

12.1 No monitoring will be conducted as this instrument simply revokes redundant legislation.

13. Contact

13.1 Monnette Keenaghan at the Department for Environment, Food and Rural Affairs Telephone: 0208 026 4506 or email: Monnette.Keenaghan@defra.gsi.gov.uk can answer any queries regarding the instrument.