

Report on the Statutory Instrument Consent Memorandum for The Pilotage Act 1987 (Amendment) Regulations 2019

January 2020

1. Background

1. The Pilotage Act 1987 (Amendment) Regulations 2019 were made by the UK Government on 4 October 2019, and laid before the UK Parliament on 7 October 2019. The Regulations came into force on 29 October 2019.
2. Standing Order 30A states that a member of the government must lay a Statutory Instrument Consent Memorandum in relation to any relevant statutory instrument laid before the UK Parliament by UK Ministers, if a UK statutory instrument makes provision in relation to Wales to amend primary legislation within the legislative competence of the National Assembly.
3. On 17 December 2019 Ken Skates AM, the Minister for Economy and Transport (the Minister), in accordance with Standing Order 30A, laid before the National Assembly a Statutory Instrument Consent Memorandum (the Memorandum) for The Pilotage Act 1987 (Amendment) Regulations 2019.

2. The Statutory Instrument Consent Memorandum

4. The Memorandum states that:



“The objective of the SI is to update the definition of ‘EEA State’ in the Pilotage Act 1987. This relates to the acceptance of qualifications from states that are party to the EEA Agreement. As currently drafted, the definition of EEA State in the Pilotage Act 1987 does not include states that became a party to the EEA Agreement after May 2003 when the definition was inserted into the Act.”¹

5. Paragraphs 6 to 10 of the Memorandum set out the relevant provision to be made by the statutory instrument. The Memorandum states:

“The relevant provision in the SI is regulation 2.

It is the view of the Welsh Government that the provisions described above fall within the legislative competence of the National Assembly for Wales in so far as they relate to ‘devolved pilotage’, that is pilotage that

- a. relates to a harbour wholly in Wales that is not a reserved trust port, and
- b. is provided in a pilotage jurisdiction that does not extend beyond Wales.”²

6. Paragraphs 11 to 13 of the Memorandum set out why, in the view of the Welsh Government, it is appropriate for the statutory instrument to make this provision. The Memorandum states:

“It is the view of the Welsh Government that it is appropriate and proportionate to deal with these amendments in these Regulations, The change made is purely technical and uncontroversial and there is no change to policy.”³

7. On 17 December 2019 the Minister wrote to us stating that he intended to table a motion for debate in early January, “to ensure the Assembly has an opportunity to consider the SI before the expiry 40-day ‘praying period’, which enables MPs to reject the instrument.”⁴

¹ Welsh Government: Statutory Instrument Consent Memorandum (Statutory Instrument Consent Memorandum) for The Pilotage Act 1987 (Amendment) Regulations 2019, paragraph 3

² Statutory Instrument Consent Memorandum, paragraphs 7 and 8

³ Statutory Instrument Consent Memorandum, paragraph 12

⁴ Letter from the Minister for Economy and Transport, 17 December 2019

3. Consideration

8. We considered the Memorandum at our meeting on 6 January 2020.⁵

4. Conclusion

9. We are content with the Memorandum.

10. We note the Minister's comments in his letter to us of 17 December 2019.

11. We welcome the Minister's commitment to table a motion for debate in relation to this Memorandum.

⁵ Constitutional and Legislative Affairs Committee, 6 January 2020
