

The South Wales Sea Fisheries District (Variation) Order 2003 – Regulatory Appraisal

- i) **Purpose and intended effect of the measure** – The funding regime of the South Wales Sea Fisheries Committee set out in current legislation is unsatisfactory in that the constituent councils are required to meet the expenses of the South Wales Sea Fisheries Committee in equal proportions regardless of a council's fisheries interest. Added to this Rhondda Cynon Taff County Borough Council has applied to withdraw from the Committee as the Council has no coastline. That application has been outstanding for some time.

The South Wales Sea Fisheries (Variation) Order 2001 removed Rhondda Cynon Taff County Borough Council from membership of the South Wales Sea Fisheries Committee with effect from 31 March 2001. Following an application for judicial review that Order was quashed by the Court in December 2001.

The South Wales Sea Fisheries District (Variation) Order that takes account of the Court's judgement, removes Rhondda Cynon Taff County Borough Council from membership of the South Wales Sea Fisheries Committee and adjusts the contributions from the remaining 7 constituent councils towards the chargeable expenses of the Committee.

A parallel Order, the South Wales Sea Fisheries Committee (Levies) Regulations 2003 permits the South Wales Sea Fisheries Committee to issue substituted levies to its constituent councils. These new levies would replace those previously issued.

- ii) **Risk Assessment** – if the Order were not to be made Rhondda Cynon Taff County Borough Council would not be withdrawn from the South Wales Sea Fisheries Committee and the Council may have grounds for judicial review against the National Assembly for Wales.
- iii) **Options** – do nothing and risk possible judicial review or withdraw Rhondda Cynon Taff County Borough Council from membership of the South Wales Sea Fisheries Committee with effect from the current financial year. The Order also sets out the legal framework for determining the contributions to be made by the remaining 7 constituent councils towards the chargeable expenses of the Committee in proportions agreed by those councils.
- iv) **Benefits** – the withdrawal of Rhondda Cynon Taff will result in an agreed change in the level of chargeable expenses, levied by the South Wales Sea Fisheries Committee, for the remaining 7 constituent councils.

- v) **Costs** – there are no additional financial implications for the Assembly and all parties concerned are content with the Order.
- vi) **Competition Assessment** – This is not applicable because it relates to the arrangements between various public bodies.
- vii) **Consultation** – all parties concerned have been consulted and seen a draft of the Order and offered no comment by the closing date of 30 September 2003.
- viii) **Significant costs** – The Order has no effect on the total cost, but shares the burden more equitably in proportions agreed by the contributors.
- ix) **Review** – the Order will be reviewed in light of future South Wales Sea Fisheries Committee budgetary requirements. However, the primary responsibility is that of the constituent councils, and the order can only be varied following an application from one or more councils.
- x) **Summary** – introducing an Order is the only effective means of addressing this longstanding issue, identified after extensive consultation with all parties.