

UK MINISTERS ACTING IN DEVOLVED AREAS

Nagoya Protocol (Compliance) (EU Exit) Regulations 2018

Laid in the UK Parliament: 15 November 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	27 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	W/C 26 November 2018
Date sifting period ends in UK Parliament	3 December 2018
Written statement under SO 30C:	Paper 30
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government under section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018.

The purpose of these Regulations is to ensure that regulations in the UK which implement the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation, will continue to be operable after the UK leaves the EU.

The UK is a party to the Nagoya Protocol in its own right and will continue to be bound by the obligations of the Protocol after the UK leaves the European Union. These Regulations ensure continued compliance with the Protocol after exit.

The current regime (which covers both devolved and non-devolved matters) is applied uniformly across the UK by the UK Government. These Regulations provide that a uniform UK-wide approach will continue after exit.

Legal Advisers agree with the statement laid by the Welsh Government dated 20 November 2018 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.