

PARLIAMENTARY BUREAU

LEGISLATIVE CONSENT MEMORANDUM -

SHARK FINS BILL (UK LEGISLATION)

Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.

Shark Fins Bill

2. This is a Private Members' Bill introduced in the House of Commons on 15 June 2022.

3. An LCM was lodged by Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands on 30 November 2022.

4. Clause 1 of the Bill prohibits the import into and export out of the UK of shark fins or things containing shark fins.

5. The schedule of the Bill provides for an exemption from these import and export prohibitions where certain conditions are met, including that the shark fins (or things containing them) are to be used for purposes connected with the conservation of sharks. The schedule goes on to make further provision in relation to the administration of this exemption.

6. Clause 2 extends prohibitions contained within retained EU legislation (*Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels* (the retained Regulation 1185/2003)) on removing shark fins on board vessels and on retaining on board, transshipping or landing shark fins, so that these apply to non-UK fishing vessels in UK waters.

7. Clause 3 specifies the extent, commencement and short title of the Bill.

8. Clauses 1 to 3 and the schedule of the Bill all extend to Scotland and, to the extent that they extend to Scotland, these provisions relate to matters within the legislative competence of the Scottish Parliament.

9. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provision in this Bill.

Committee referral

10. The relevant provision in the Bill falls within the remit of the Rural Affairs, Islands and Natural Environment Committee. The committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands. The Cabinet Secretary is responsible (amongst other things) for fisheries and animal welfare. No other committee's remit is considered to be engaged.

11. The LCM will also be considered by the Delegated Powers and Law Reform Committee in relation to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

12. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Rural Affairs, Islands and Natural Environment Committee as lead committee.

Parliamentary Business Team
December 2022