
WELSH STATUTORY INSTRUMENTS

2024 No. 767 (W. 112)

SEA FISHERIES, WALES

**The Cockle Fishing Management and
Permitting (Specified Area) (Wales) Order 2024**

Made - - - - - *25 June 2024*
Laid before Senedd Cymru *26 June 2024*
Coming into force in accordance with article 1(2)

The Welsh Ministers, in exercise of powers conferred on them by sections 189(1) and 316(1) of the Marine and Coastal Access Act 2009(1), make the following Order.

PART 1

Introduction

Title, application and coming into force

1.—(1) The title of this Order is the Cockle Fishing Management and Permitting (Specified Area) (Wales) Order 2024.

(2) This Order applies in relation to Wales and comes into force as follows—

- (a) Parts 1, 2, 3, articles 14, 15, 16 and 17 of Part 4, Schedule 1, Schedule 2 and Parts 1 and 2 of Schedule 3 to this Order come into force on 10 July 2024;
- (b) article 18 of Part 4 and Part 3 of Schedule 3 to this Order come into force on the 16 June 2025(2).

Interpretation

2. In this Order—

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- (1) 2009 c. 23. Section 189 was amended by paragraph 28 of Schedule 10 to the Fisheries Act 2020 (c. 22). Provision which the authority for an IFC district may make by byelaw under section 155 for the purposes set out in section 153 and 154, is further described in sections 156 to 158.
 - (2) Article 18 refers to the Byelaws of the former South Wales Sea Fisheries Committee which relate to the management of the Burry Inlet Cockle Fishery. The Burry Inlet Cockle Fishery is also subject to the Burry Inlet Cockle Fishery Order 1965 which was made under section 1 Sea Fisheries (Shellfish) Act 1967. That Order will expire on 15 June 2025. From 16 June 2025, this Order will apply to the Burry Inlet Cockle Fishery.

“the 2009 Act” (“*Deddf 2009*”) means the Marine and Coastal Access Act 2009;

“cockles” (“*cocos*”) means shellfish of the type *Cerastoderma edule*;

“cockle bed” (“*gwely cocos*”) means an area of sand or fine sediment within the specified area where an aggregation of cockles is present;

“environmental assessment” (“*asesiad amgylcheddol*”) means an assessment of the implications of opening a cockle bed on a protected site under regulation 63 or regulation 65 of the Conservation of Habitats and Species Regulations 2017⁽³⁾;

“harvestable surplus” (“*gornifer cocos y gellir eu can be fished for or taken from the cockle bed without negatively impacting the long term sustainability of the cockle bed*”;

“intertidal safety training course” (“*cwrs hyfforddiant ar ddiogelwch rhynglanwol*”) means a course that aims to make attendees familiar with conducting risk assessments, tidal information, position fixing, danger of crossing water and soft areas, commercial boat use legislation and how to request assistance in an emergency;

“live weight” (“*pwysau byw*”) means the weight of live cockles determined by weighing them in woven mesh sacks with no allowance being made of the weight of the mesh sack, whether wet or dry, nor of sand or other materials present in the sack;

“relevant protected site” (“*safle gwarchoddedig perthnasol*”) means a European marine site, within the meaning of the Conservation of Habitats and Species Regulations 2017 and a site of special scientific interest, within the meaning of the Wildlife and Countryside Act 1981⁽⁴⁾;

“single permit period” (“*un cyfnod trwydded*”) means—

- (a) the period beginning on 1 June in a calendar year until the end of 31 May the following year, or
- (b) where the permit is issued after 1 June in a calendar year, the period beginning when the permit is issued until the end of 31 May the following year;

“specified area” (“*ardal benodedig*”) means the area described in Schedule 1 to this Order;

‘Wales’ (“*Cymru*”) has the same meaning as in section 158(1) Government of Wales Act 2006⁽⁵⁾;

“vessel” (“*llestr*”) has the same meaning as in section 115(1) of the 2009 Act and, for the purposes of this Order, refers to a vessel used to carry cockles fished for or taken from a cockle bed.

PART 2

Management of cockle beds within the specified area and fishing restrictions

Prohibition

3. No person may fish for or take cockles or knowingly allow or assist another person to fish for or take cockles—

- (a) from a closed cockle bed, and
- (b) except and to the extent authorised by a permit issued under Part 3.

⁽³⁾ S.I. 2017/1012. Regulation 63 of S.I. 2017/2012 has been amended by S.I. 2019/579 and S.I. 2020/94.

⁽⁴⁾ 1981 c. 69.

⁽⁵⁾ 2006 c. 32.

Restriction on fishing activity

4. All cockle beds are closed until they are assessed and declared open by the Welsh Ministers under articles 5 and 6.

Assessment of cockle beds

5.—(1) In order to determine whether the criteria set out in article 6(a) and (b) have been met, the Welsh Ministers must assess all cockle beds that are closed under article 4 before the end of September 2024.

(2) From 1 January 2025, the Welsh Ministers must assess all cockle beds at least once during each calendar year.

(3) For the purposes of this Part the terms “assess” and “assessment” mean the completion of—

- (a) a stock survey,
- (b) calculation of a harvestable surplus, and
- (c) if there is a harvestable surplus, any required environmental assessment.

Duty to open a cockle bed

6. The Welsh Ministers must by declaration, open a cockle bed if an assessment carried out under article 5 has concluded that—

- (a) there is a harvestable surplus, and
- (b) opening the cockle bed subject to conditions on fishing for or taking cockles from that bed will not adversely affect the integrity of a relevant protected site.

Duty to close a cockle bed

7.—(1) The Welsh Ministers must by declaration close an open cockle bed if there is evidence that—

- (a) the harvestable surplus has been fished or taken,
- (b) closure is necessary to avoid an adverse effect on the integrity of a relevant protected site, or
- (c) closure is necessary to assess the risk of adverse effect on the integrity of a relevant protected site.

(2) A declaration closing a cockle bed must include the reason why it has been closed.

PART 3

Permits to fish for or take cockles

Requirement for a permit

8.—(1) The Welsh Ministers may issue a permit for the purpose of authorising fishing for or taking cockles from the specified area.

(2) The permit may be issued—

- (a) to a person, and
- (b) for a single permit period.

(3) The permit will enable the permit holder to fish for or take cockles from open cockle beds during the permit period.

(4) A permit may not be transferred from one person to another.

Permit conditions

9.—(1) Every permit issued by the Welsh Ministers under article 8 is subject to—

- (a) the conditions set out in Schedule 2 to this Order, and
- (b) any additional conditions required to regulate the fishing for or taking of cockles from a specified cockle bed.

(2) The additional conditions referred to in paragraph (1)(b) are as follows—

- (a) an amended harvestable surplus;
- (b) a daily catch limit;
- (c) a specified minimum landing size;
- (d) specified dates, times or tides during which fishing for and taking cockles is not permitted;
- (e) specified methods or equipment that may be used when fishing for or taking cockles;
- (f) specified means of access to the specified area or a cockle bed;
- (g) other conditions on fishing for or taking cockles required by the environmental assessment of the cockle bed under article 5.

(3) The Welsh Ministers may vary the additional conditions or remove them from permits.

(4) Where reasonably practicable, the Welsh Ministers will consult with permit holders and other relevant stakeholders before varying or removing additional conditions.

(5) The Welsh Ministers must notify the following persons of a decision to vary or remove additional conditions—

- (a) permit holders, and
- (b) any other person who they consider appropriate.

(6) A notification under paragraph (5) must include the reasons for the Welsh Ministers' decision.

(7) In this article—

- (a) “a daily catch limit” means the total live weight of cockles which may be fished for or taken each day by each permit holder;
- (b) “minimum landing size” means a cockle which will pass through a gauge having a square opening of X millimetres measured across each side of the square, with “X” being the measurement set in conditions attached to a permit issued under article 8 of this Order.

Persons entitled to a permit

10.—(1) A person may apply for a permit if they—

- (a) are 16 years of age or over,
- (b) hold an intertidal safety training course certificate issued within the preceding 3 year period, and
- (c) have not been convicted within the preceding 12 month period, or the preceding 6 month period if they were under 18 at the date of their conviction, of a relevant offence.

(2) In this article, “relevant offence” means—

- (a) an offence under section 3(3) (contravening a fishery regulating order etc) of the Sea Fisheries (Shellfish) Act 1967(6);
- (b) an offence under section 31(2) (refusing entry, search and investigation to a water bailiff) of the Salmon and Freshwater Fisheries Act 1975(7);
- (c) an offence under—
 - (i) section 139 (contravention of orders under sections 134, 134A, 134B or 136),
 - (ii) section 190 (contravention of orders under section 189), or
 - (iii) section 292 (offences in relation to enforcement officers), of the 2009 Act(8).

Application for a permit

- 11.—(1) To apply for a permit, a person must—
- (a) submit to the Welsh Ministers a completed application in such form as the Welsh Ministers may require,
 - (b) provide such proof as the Welsh Ministers may require of their—
 - (i) identity,
 - (ii) address,
 - (iii) completion of an intertidal safety training course, and
 - (iv) national insurance number or Unique Taxpayer Reference Number,
 - (c) where a vessel will be used to carry cockles from a cockle bed, provide information or documentation relating to—
 - (i) the vessel master;
 - (ii) the vessel, including the number of the Maritime and Coastguard Agency certificate of coding (if applicable), and
 - (d) pay the annual permit fee.
- (2) An application may be made in respect of a single permit period.

Permit fees

- 12.—(1) The annual permit fee—
- (a) is to be determined by the Welsh Ministers,
 - (b) will apply to each permit, and
 - (c) will apply even where a permit is applied for and issued partway through a permit period.
- (2) In determining the annual permit fee, the Welsh Ministers may take into account—
- (a) expenditure arising from the management of the cockle beds,
 - (b) expenditure arising from any scientific surveys or environmental assessments relating to the cockle beds,
 - (c) expenditure arising from the administration of permit applications,

(6) 1967 c. 83. Subsection (3) maximum fine was increased by the Criminal Law Act 1977 (c. 45), Section 31(6), and converted to a level on the standard scale by virtue of the Criminal Justice Act 1982 (c. 48) Subsection 37, 38, 46, and further increased by the Criminal Justice and Public Order Act 1994 (c. 33), Section 157, Schedule 8, Part I. Subsection (3) was further amended by the Marine and Coastal Access Act 2009 (c. 23), s 205(1), (2) and by S.I. 2015/664.

(7) 1975 c. 51.

(8) 2009 c. 23. Sections 139(1) and (2) were amended (relevantly) to include reference to new section 134A by the Fisheries Act 2020 (c. 22), Schedule 10, paragraph 23. Sections 190 and 292 were amended to increase the maximum fine by S.I. 2015/664, Schedule 4, paragraph 43.

- (d) expenditure arising from any analysis of daily catch returns, and
- (e) any other relevant expenditure.

Production of permits and additional requirements

13.—(1) A person fishing for or taking cockles must produce a copy of that person’s permit if requested to do so by a person authorised by the Welsh Ministers.

(2) A person who has been requested to produce a permit under paragraph (1) must not fish for or take cockles from a cockle bed until that permit has been produced.

(3) A person in the vicinity of a cockle bed must carry out the reasonable instructions of a person exercising functions under this Order.

(4) A person must not obstruct a person carrying out functions under this Order.

PART 4

Exemptions, re-deposit of cockles and final provisions

Exemptions

14. The provisions of this Order do not apply—

- (a) to a person who takes, by hand, no more than 5 kilograms in live weight of cockles in any one day for personal consumption,
- (b) to a person who fishes for or takes cockles with the prior written authority of the Welsh Ministers for scientific or fisheries management purposes, and
- (c) to the extent that they prohibit, restrict or interfere with,
 - (i) any right of several fishery, or
 - (ii) any right on, to or over any part of the seashore that is enjoyed by a person under a local or special Act of the Parliament of the United Kingdom, a Royal charter, letters patent, or by prescription or immemorial usage.

Re-deposit of cockles

15.—(1) A person who fishes for or takes cockles contrary to the provisions in this Order must re-deposit the cockles on the cockle bed from which they were taken in accordance with instructions from a marine enforcement officer.

(2) When re-depositing cockles under paragraph (1), the cockles must be spread thinly and evenly.

(3) In this article a “marine enforcement officer” has the same meaning as in section 235(1) of the 2009 Act.

Declarations, notices and permits

16.—(1) A declaration, notification or permit made or issued under this Order must be made in writing.

(2) Declarations and notifications made under this Order will be published on the Welsh Government website⁽⁹⁾ and, whenever practicable, declarations will be placed in clearly visible locations on or near the cockle bed.

(9) Copies of declarations can be accessed at www.gov.wales.

(3) Where anything under this Order must be done in writing, that includes an electronic communication as defined in section 15(1) of the Electronic Communications Act 2000⁽¹⁰⁾, which has been recorded and is consequently capable of being reproduced.

(4) Declarations and notifications may be amended or revoked by subsequent declarations or notices.

Revocations and amendments: general

17.—(1) Part 1 of Schedule 3 contains revocations and amendments to secondary legislation.

(2) Part 2 of Schedule 3 contains revocations and amendments to the Byelaws of the former North Western and North Wales Sea Fisheries Committee⁽¹¹⁾ and the Byelaws of the former South Wales Sea Fisheries Committee⁽¹²⁾.

Revocations and amendments: Burry Inlet cockle fishery

18. Part 3 of Schedule 3 contains revocations and amendments to the Marine and Coastal Access Act 2009 (Commencement No 1, Consequential, Transitional and Savings Provision) (England and Wales) Order 2010⁽¹³⁾ and the Byelaws of the former South Wales Sea Fisheries Committee in respect of the Burry Inlet cockle fishery.

25 June 2024

Huw Irranca-Davies
Cabinet Secretary for Climate Change and Rural
Affairs, one of the Welsh Ministers

⁽¹⁰⁾ 2000 c. 7.

⁽¹¹⁾ The North Western and North Wales Sea Fisheries Committee was dissolved, in relation to Wales, on 1 April 2010 when article 3 of the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 (S.I. 2010/630 (C. 42)) brought into force section 187 of the Marine and Coastal Access Act 2009 (c. 23), with the effect of repealing the Sea Fisheries Regulation Act 1966 (c. 38).

⁽¹²⁾ The South Wales Sea Fisheries Committee was dissolved, in relation to Wales, on 1 April 2010 when article 3 of the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 (S.I. 2010/630 (C. 42)) brought into force section 187 of the Marine and Coastal Access Act 2009 (c. 23), with the effect of repealing the Sea Fisheries Regulation Act 1966 (c. 38).

⁽¹³⁾ S.I. 2010/630.

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SCHEDULE 1

Article 2

Specified Area

- 1.—(1) The specified area lies within the following limits—
- (a) a line drawn eastwards from Ginst Point (map reference SN 332079) to Pen Tywyn Point (map reference SN 357064);
 - (b) a line drawn from—
 - (i) position A (map reference SS 4280 9422) to,
 - (ii) position B (map reference SS 4420 9862) to,
 - (iii) position C (map reference SS 4472 9670), and
 - (iv) along the Highest Astronomical Tides to position A;
 - (c) a line drawn—
 - (i) on the West, from the seaward end of Pembrey Pier to the most northerly point of Whiteford Point, which lies between High Water Mark or Ordinary Tides on the northern and southern shores of the estuary respectively;
 - (ii) on the east, from the seaward side of that part of the Loughor Railway Bridge which is situated between High Water Mark of Ordinary Tides on the north-western and south-eastern shores respectively and a line drawn from the south-eastern end of that part of the railway bridge due south until it again meets High Water Mark of Ordinary Tides;
 - (iii) on the north and south, from the High Water Mark of Ordinary Tides on the northern and southern shores of the estuary respectively between the western and eastern boundaries;
 - (d) the area below the line of the Highest Astronomical Tides enclosed by a line drawn between—
 - (i) point A (latitude 53°18'.87N, longitude 004°12'.30W, map reference SH 5320 8200), and
 - (ii) point B (latitude 53°18'.95N, longitude 004°07'.76W, map reference SH 5825 8200);
 - (e) a line drawn between the following positions, as described—
 - (i) a straight line from latitude 53°08'.08N, longitude 004°21'.05W, map reference SH 4274 6234 to latitude 53°08'.63N, longitude 004°19'.02W, map reference SH 4504 6328;
 - (ii) along the line of the Highest Astronomical Tides from latitude 53°08'.63N, longitude 004°19'.02W, map reference 4504 6328 to latitude 53°08'.89N, longitude 004°17'.90W, map reference 4632 6372;
 - (iii) a straight line from latitude 53°08'.89N, longitude 004°17'.90W, map reference 4632 6372 to latitude 53°08'.01N, longitude 004°17'.85W, map reference 4632 6210;
 - (iv) along the line of the Highest Astronomical Tides from latitude 53°08'.01N, longitude 004°17'.85W, map reference 4632 6210 to latitude 53°07'.68N, longitude 004°18'.55W, map reference 4552 6150;
 - (v) a straight line from latitude 53°07'.68N, longitude 004°18'.55W, map reference 4552 6150 to latitude 53°07'.66N, longitude 004°19'.57W, map reference 4438 6150;
 - (vi) along the Highest Astronomical Tides from latitude 53°07'.66N, longitude 004°19'.57W, map reference 4438 6150 to latitude 53°08'.08N, longitude 004°21'.05W, map reference 4274 6234;

- (f) a line drawn between the following positions, as described—
- (i) a straight line from latitude 53°13'.84N, longitude 004°04'.53W, map reference SH 6157 7241 to latitude 53°15'.15N, longitude 004°05'.17W, map reference SH 6092 7486;
 - (ii) a straight line from latitude 53°15'.15N, longitude 004°05'.17W, map reference SH 6092 7486 to latitude 53°16'.15N, longitude 003°59'.46W, map reference SH 6732 7654;
 - (iii) a straight line from latitude 53°16'.15N, longitude 003°59'.46W, map reference SH 6732 7654 to latitude 53°15'.59N, longitude 003°58'.81W, map reference SH 6801 7548;
 - (iv) along the line of the Highest Astronomical Tides from latitude 53°15'.59N, longitude 003°58'.81W, map reference SH 6801 7548 to latitude 53°13'.84N, longitude 004°04'.53W, map reference SH 6157 7241.

(2) In this Schedule the term “Highest Astronomical Tides” means the highest level of tide which can be predicted to occur under average meteorological conditions and any combination of astronomical conditions.

SCHEDULE 2

Article 9

Permit conditions

1. The following conditions apply to all permits issued by the Welsh Ministers under article 8 of this Order.

Requirement to check the status of a cockle bed

2. The permit holder must check the Welsh Government’s website⁽¹⁴⁾ each day to confirm a cockle bed is open before they fish for or take cockles from that cockle bed.

Prohibition on fishing at night

3. The permit holder must not fish for or take cockles or knowingly allow or assist another person to fish for or take cockles from a cockle bed between half an hour after sunset on any day and half an hour before sunrise on the following day.

Restriction on the use of vessels

4. The permit holder must not use a vessel over 10 metres in overall length when measured from bow to stern, when fishing for or taking cockles from a cockle bed.

5. A permit holder must notify the Welsh Ministers if the details relating to the vessel identified in their permit application change at any time during the permit period.

Daily catch returns

6.—(1) The permit holder must submit a daily catch return to the Welsh Ministers within two days of the day on which those cockles were fished for or taken from a cockle bed.

(2) A daily catch return must record—

(14) www.gov.wales.

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- (a) the date of each catch of cockles,
- (b) the total live weight of all cockles gathered on that date, and
- (c) the cockle bed from which the cockles were gathered.

Gathering and sorting of cockles

7. The permit holder must sort and wash cockles before they are taken from the cockle bed and for these purposes, a cockle is deemed as taken from a cockle bed as soon as it is placed in a container (including bags, sacks, and other similar receptacles).

8.—(1) The permit holder must not have in their possession or vessel a net bag while on a cockle bed or use a net bag to gather cockles from a cockle bed.

(2) For the purposes of this paragraph “net bag” means a flexible handheld device used to fish for or take cockles which has a rigid frame and a wide, open net.

Requirement to carry and produce the permit

9. The permit holder must carry their permit at all times (either in electronic or paper form) while gathering cockles from a cockle bed.

SCHEDULE 3

Articles 17 and 18

Revocations and amendment

PART 1

Secondary Legislation

Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010

1.—(1) The Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010(15) is amended as follows.

(2) In the Table in Schedule 3 (Byelaws of the former South Wales Sea Fisheries Committee), delete the rows relating to Byelaw 21 (Prohibition of night gathering of Cockles) and Byelaw 47 (Permit to Take Cockles within the Three Rivers Estuary).

(3) In the Table in Schedule 4 (Byelaws of the former North Western and North Wales Sea Fisheries Committee), delete the row relating to Byelaw 14 (Cockle Fishery – Seasonal Closure).

The Cockles and Mussels (Specified Area) (Wales) Order 2011

2.—(1) The Cockles and Mussels (Specified Area) (Wales) Order 2011(16) is amended as follows.

(2) In article 2—

(15) S.I. 2010/630. Schedule 3 has been amended by S.I. 2015/2076 (W. 312), art.7(6)(a), and S.I.2019/1042 (W. 184), art.7(3). Schedule 4 has been amended by S.I. 2011/1988 (W. 219), art 9(2), and S.I. 2012/2571 (W. 282), art 4(2), and S.I. 2015/2076 (W. 312), art 7(6)(b).

(16) S.I. 2011/1988 (W. 219).

- (a) omit the definition of “cockles” (“*cocos*”);
- (b) omit the definition of “specified shellfish” (“*pysgod cregyn penodedig*”).
- (3) In article 3—
 - (a) for “the specified shellfish” in each place it occurs, substitute “mussels”;
 - (b) in paragraph (1), for “specified shellfish” substitute “mussels”;
 - (c) in paragraph (2)(a), omit “five kilograms in live weight of cockles and”.
- (4) In article 6(1)(a), for “the specified shellfish”, substitute “mussels”.
- (5) In article 7, for “the specified shellfish” in each place it occurs, substitute “mussels”.
- (6) In article 8—
 - (a) in paragraph (1), for “specified shellfish” substitute “mussels”;
 - (b) in paragraph (1), for “shellfish” substitute “mussels”;
 - (c) in paragraph (2)—
 - (i) in sub-paragraph (a) and (d), for “specified shellfish” substitute “mussels”;
 - (ii) omit sub-paragraph (b).

PART 2

Byelaws of the former Sea Fisheries Committees

Byelaws of the former North Western and North Wales Sea Fisheries Committee

3.—(1) The Byelaws(17) of the former North Western and North Wales Sea Fisheries Committee are amended as follows.

- (2) In Byelaw 12 (Restrictions on Fishing for Bivalve Molluscan Shellfish)—
 - (a) omit paragraph 1 b) and the “or” following it;
 - (b) after paragraph 3, insert “References in this Byelaw to bivalve molluscan shellfish do not include cockles.”
- (3) In Byelaw 13 (Cockles – Minimum Size), at the end insert “This Byelaw does not apply in the Specified Area defined in article 2 of and Schedule 1 to the Cockle Management and Permitting (Specified Area) (Wales) Order 2024.”
- (4) In Byelaw 13A (Cockles and Mussels – Management of the Fishery)—
 - (a) omit “cockles and” and “cockles or” in each place these occur, including in the heading;
 - (b) in paragraph 1, omit “cockle (*Cerastoderma edule*) or”;
 - (c) in paragraph 2, omit “cockle or”.
- (5) Byelaw 14 (Cockle Fishery – Seasonal Closure) is revoked.
- (6) In Byelaw 16 (Shell Fishery – Temporary Closure), at the end insert “This Byelaw does not apply in relation to cockles”.
- (7) In Byelaw 17 (Re-Deposit of Shellfish), omit “, and in re-depositing cockles, in accordance with this byelaw, shall spread them thinly and evenly over the beds”.

(17) From 1 April 2010, the Byelaws of the former North Western and North Wales Sea Fisheries Committee have effect as if made by the Welsh Ministers in a statutory instrument in relation to the same area of Wales as the area to which that byelaw originally applied by virtue of article 13(3) of and Schedule 4 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 (S.I. 2010/630 (C. 42)).

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Byelaws of the former South Wales Sea Fisheries Committee

4.—(1) The Byelaws(18) of the former South Wales Sea Fisheries Committee are amended as follows.

- (2) In Byelaw 13 (Shellfish – Minimum Sizes) , omit paragraph c).
- (3) Byelaw 21 (Prohibition of Night Gathering of Cockles) is revoked.
- (4) In Byelaw 22 (Allowance for Weighing), at the end insert “This Byelaw does not apply in relation to cockles”.
- (5) In Byelaw 23 (Shellfish – Re-Deposit of)—
 - (a) omit “, and in re-depositing cockles (*Crerastoderma edule*), in accordance with this Byelaw shall spread them thinly and evenly over the beds”;
 - (b) at the end insert “This Byelaw does not apply in relation to cockles”.
- (6) In Byelaw 24 (Temporary Closure of Shellfish Fisheries), after paragraph ii insert “This Byelaw does not apply in relation to cockles”.
- (7) In Byelaw 40 (Bivalve Molluscan Shellfish - Methods of Fishing), at the end insert “This Byelaw does not apply in relation to cockles”.
- (8) Byelaw 47 (Permit to Take Cockles within the Three Rivers Estuary) is revoked.

PART 3

The Burry Inlet cockle fishery

5.—(1) The Marine and Coastal Access Act 2009 (Commencement No 1, Consequential, Transitional and Savings Provision) (England and Wales) Order 2010 is amended as follows.

(2) In the Table in Schedule 3 (Byelaws of the former South Wales Sea Fisheries Committee), delete the rows relating to Byelaw 15 (Vehicle Usage in the Burry Inlet Cockle Fishery), Byelaw 16 (No Sunday Gathering), Byelaw 17 (The Licensing of Cockle Gathering in the Burry Inlet), Byelaw 18 (Daily Cockle Quota (Burry Inlet)), and Byelaw 19 (Personal Cockle Gathering – Burry Inlet).

6.—(1) The Byelaws of the former South Wales Sea Fisheries Committee are amended as follows.

- (2) Byelaw 15 (Vehicle Usage in the Burry Inlet Cockle Fishery) is revoked.
- (3) Byelaw 16 (No Sunday Gathering) is revoked.
- (4) Byelaw 17 (The Licensing of Cockle Gathering in the Burry Inlet) is revoked.
- (5) Byelaw 18 (Daily Cockle Quota (Burry Inlet)) is revoked.
- (6) Byelaw 19 (Personal Cockle Gathering – Burry Inlet) is revoked.

(18) From 1 April 2010, the Byelaws of the former South Wales Sea Fisheries Committee have effect as if made by the Welsh Ministers in a statutory instrument in relation to the same area of Wales as the area to which that byelaw originally applied by virtue of article 13(1) of and Schedule 3 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 (S.I. 2010/630 (C. 42)).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order introduces management measures and a permitting regime for the management of the exploitation of cockles from cockle beds within the specified area in Wales.

The Order, which applies in relation to Wales, amends or revokes and replaces the Byelaws of the former North Western and North Wales Sea Fisheries Committee and the former South Wales Sea Fisheries Committee and provisions of the Cockles and Mussels (Specified Areas) (Wales) Order 2011 in so far as they regulate cockle fishing.

The Sea Fisheries Committees were abolished in relation to Wales on 1 April 2010 when the Sea Fisheries Regulation Act 1966 was repealed by section 187 of the Marine and Coastal Access Act 2009.

The Byelaws of the former North Western and North Wales Sea Fisheries Committee and former South Wales Sea Fisheries Committee have had effect since 1 April 2010 as if made by the Welsh Ministers in a statutory instrument by virtue of article 13(1) and (3) and Schedules 3 and 4 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010.

Part 1 of this Order (articles 1 and 2) deals with introductory matters.

Part 2 of this Order (articles 3 to 7) makes provision for the management of cockle beds within the specified area. Fishing for and taking cockles from cockle beds which are closed and without a permit is prohibited under article 3. Articles 5 to 7 provide for the assessment and the opening and closing of cockle beds within the specified area.

The specified area is described in Schedule 1.

Part 3 of this Order (articles 8 to 13 and Schedule 2) makes provision for a new cockle permitting regime setting out the requirement for a permit to fish and making provision about eligibility, the duration of a permit and fees. Article 9 and Schedule 2 provide for conditions to be attached to permits.

Part 4 of this Order (articles 14 to 18 and Schedule 3) makes provision for exemptions from the provisions of this Order, the re-deposit of cockles and for the revocation and amendment of various Byelaws of the former North Western and North Wales and the former South Wales Sea Fisheries Committees and the amendment of the Cockles and Mussels (Specified Area) (Wales) Order 2011.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Fisheries Division, Cathays Park, Cardiff CF10 3NQ and is published on www.gov.wales.