



Environment (Wales) Act 2016

2016 anaw 3

PART 5

FISHERIES FOR SHELLFISH

Protection of marine environment

74 Power to vary or revoke orders to protect European marine sites

- (1) The Sea Fisheries (Shellfish) Act 1967 is amended as follows.
- (2) After section 5D (as inserted by section 73) insert—

“5E European marine sites: power of Welsh Ministers to vary or revoke order under section 1

- (1) This section applies where—
 - (a) the Welsh Ministers have served a site protection notice on the grantees of an order made under section 1 of this Act,
 - (b) the notice has not been cancelled under section 5B(6) or 5C(5) of this Act, and
 - (c) no appeal under section 5C of this Act is pending.
- (2) The Welsh Ministers may vary or revoke the order to reflect the effect of the site protection notice.
- (3) Before making an order by virtue of this section, the Welsh Ministers must consult—
 - (a) any persons who are entitled to a right of several fishery or a right of regulating a fishery in any part of the area to which the order relates, and
 - (b) any other persons the Welsh Ministers think are likely to be interested in the order or affected by it.

Changes to legislation: *Environment (Wales) Act 2016, Section 74 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) For the purposes of subsection (1)(c), an appeal under section 5C is pending if—
- (a) an appeal under that section (or a further appeal) has been brought and has not been determined or withdrawn, or
 - (b) an appeal under that section (or a further appeal) has not been brought but the period for bringing such an appeal is still running.”
- (3) In section 1 (power to make orders as to fisheries for shellfish), in subsection (8), after “subsection (10) below” insert “ or by virtue of section 5E of this Act ”.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(10)(d) substituted by [S.I. 2024/706 reg. 22\(a\)](#)
- s. 6(10)(d) substituted by [S.I. 2024/706 reg. 22\(b\)](#)