
STATUTORY INSTRUMENTS

2010 No. 630

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

PART 4

Byelaws

Byelaws of the South Wales Sea Fisheries Committee, the North Western and North Wales Sea Fisheries Committee and the Environment Agency whilst exercising the powers of a local fisheries committee

13.—(1) Any provision of the byelaws of the South Wales Sea Fisheries Committee listed at Schedule 3 which—

- (a) is in force immediately before article 3 comes into force; and
- (b) could have been made in a statutory instrument by the Welsh Ministers under any enactment other than the 1966 Act,

takes effect after article 3 comes into force as if made by the Welsh Ministers in a statutory instrument under that other enactment in relation to the same area of Wales as the area to which that provision originally applied.

(2) To the extent that it could have been made in a statutory instrument by the Welsh Ministers under section 5 of the Sea Fish (Conservation) Act 1967⁽¹⁾ and section 189 of the Marine and Coastal Access Act 2009⁽²⁾, byelaw 38 (maximum vessel size) of the South Wales Sea Fisheries Committee takes effect, with the omission of paragraph 3 of that byelaw, after article 3 comes into force as if made by the Welsh Ministers in a statutory instrument under those Acts in relation to the same area of Wales as the area to which that provision originally applied.

(3) Any provision of the byelaws of the North Western and North Wales Sea Fisheries Committee listed at Schedule 4 which—

- (a) is in force immediately before article 3 comes into force;
- (b) relates to any part of Wales; and
- (c) could have been made in a statutory instrument by the Welsh Ministers under any enactment other than the 1966 Act,

takes effect after article 3 comes into force as if made by the Welsh Ministers in a statutory instrument under that other enactment in relation to the same area of Wales as the area to which that provision originally applied.

(1) 1967 c. 84.
(2) 2009 c. 23.

(4) Any provision of the byelaws made by the Environment Agency, or its predecessors, whilst exercising the powers of a local fisheries committee⁽³⁾ and listed at Schedule 5 which—

- (a) is in force immediately before article 3 comes into force;
- (b) relates to any part of Wales; and
- (c) could have been made in a statutory instrument by the Welsh Ministers under any enactment other than the 1966 Act,

takes effect after article 3 comes into force as if made by the Welsh Ministers in a statutory instrument under that other enactment in relation to the same area of Wales as the area to which that provision originally applied.

(5) There may be continued by or in relation to the Welsh Ministers anything (including legal proceedings) which relates to any of the byelaws falling within paragraphs (1) to (4), and is in the process of being done immediately before article 3 comes into force to the extent that the Welsh Ministers could lawfully undertake or be involved in that action.

- (6) Anything which was done by—
 - (a) the South Wales Sea Fisheries Committee;
 - (b) the North Western and North Wales Sea Fishery Committee; or
 - (c) the Environment Agency, or its predecessors, whilst exercising the powers of a local fisheries committee,

for the purpose of or in connection with any of the byelaws falling within paragraphs (1) to (4) and which is in effect immediately before the transfer date, has effect on and after the transfer date as if done by the Welsh Ministers to the extent that the Welsh Ministers could lawfully undertake or be involved in that action.

(7) The Welsh Ministers are substituted for the Environment Agency, or its predecessors, in any instruments or contracts which are either made or commenced before the transfer date and which relate to any of the byelaws falling within paragraph (4).

(3) Section 18(1) of the Sea Fisheries Regulation Act 1966 (c. 38) enabled the Minister, when defining a sea fisheries district, to draw a line at or near the mouth of every river, stream or estuary within that district, which would constitute the boundary of the district, and provide that above that line the relevant river authority would have the powers of a local fisheries committee. In reliance upon section 18(1) of the 1966 Act, S.I. 1980/823 amended the order made by the Board of Agriculture and Fisheries on 27th June 1912 (which created the South Wales Sea Fisheries District) to insert a new article 1 which gave the Severn-Trent Water Authority and the Welsh Water Authority the powers of a local fisheries committee in the rivers, streams and estuaries beyond the area of the South Wales Sea Fisheries District. Since that enactment, powers exercisable by those river authorities have passed to the Environment Agency (see sections 2 and 55 of the Environment Act 1995 (c. 25)). Also in reliance upon section 18(1) of the 1966 Act, article 2(3) of S.I. 1999/1043 gave the Environment Agency the powers of a local fisheries committee in the rivers, streams and estuaries beyond the area of the North Western and North Wales Sea Fisheries District.