
STATUTORY INSTRUMENTS

2015 No. 191

**SEA FISHERIES, ENGLAND AND WALES
SEA FISHERIES, NORTHERN IRELAND**

**The Sea Fishing (Enforcement and
Miscellaneous Provisions) Order 2015**

<i>Made</i>	- - - -	<i>8th February 2015</i>
<i>Laid before Parliament</i>		<i>12th February 2015</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>12th February 2015</i>
<i>Coming into force</i>	- -	<i>6th March 2015</i>

The Secretary of State and (acting only in relation to Wales and the Welsh zone ^{M1}) the Welsh Ministers make this Order in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981 ^{M2}, which are now vested in them ^{M3}.

The Secretary of State and the Welsh Ministers are each designated for the purposes of section 2(2) of the European Communities Act 1972 ^{M4} (“the 1972 Act”) in relation to the common agricultural policy of the European Union ^{M5}. The Secretary of State is designated for the purposes of section 2(2) of the 1972 Act in relation to the environment and the Welsh Ministers are designated for those purposes in relation to the conservation of natural habitats and of wild fauna ^{M6}.

This Order makes provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State and the Welsh Ministers that it is expedient for any reference in this Order, the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations 2005 ^{M7}, the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007 ^{M8}, or the Tope (Prohibition of Fishing) Order 2008 ^{M9}, to the following Regulations to be construed as a reference to those Regulations as amended from time to time:

- (a) Council Regulation (EC) No. 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing ^{M10};
- (b) Council Regulation (EC) No. 1010/2009 laying down detailed rules for the implementation of Council Regulation (EC) No. 1005/2008 ^{M11};
- (c) Council Regulation (EC) No. 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ^{M12};
- (d) Commission Implementing Regulation (EU) No. 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No. 1224/2009 ^{M13}; and
- (e) Council Regulation (EU) No. 1380/2013 on the Common Fisheries Policy ^{M14}.

The Secretary of State and (acting only in relation to Wales) the Welsh Ministers make this Order (to the extent that it does not apply in relation to enforceable Community restrictions or obligations relating to sea fishing) in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2^{M15} to, the 1972 Act.

Marginal Citations

- M1** The Welsh zone is defined in section 158(1) of the [Government of Wales Act 2006 \(c.32\)](#), as amended by section 43(1) and (2) of the [Marine and Coastal Access Act 2009 \(c.23\)](#). The boundaries of the Welsh zone were specified in [S.I. 2010/760](#). Article 5(3)(a) of [S.I. 2010/2690](#) provides that the designation of the Welsh Ministers applies in relation to Wales and the Welsh zone.
- M2** [1981 c.29](#). See section 30(3) for the definition of “the Ministers”.
- M3** [Section 30\(2\)](#) provides for the Ministers to make provision for the enforcement of enforceable Community restrictions and obligations relating to sea fishing. The function of the Ministers under section 30(2) of the Fisheries Act 1981 (“the 1981 Act”) in relation to Wales was transferred to the National Assembly for Wales and then transferred from that body to the Welsh Ministers: see [article 2\(a\)](#) of, and Schedule 1 to, the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#) and paragraph 30 of Schedule 11 to the Government of Wales Act 2006. In so far as that function was exercisable in relation to the Welsh zone, it has been transferred to the Welsh Ministers by article 4(1)(e) of the [Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010 \(S.I. 2010/760\)](#). The function under section 30(2) exercisable in relation to the Northern Ireland zone and Northern Ireland fishing boats outside that zone remains exercisable by the Ministers despite being transferred to the Department of Agriculture and Rural Development in Northern Ireland under article 3(2) of, and paragraph 3(1) of Schedule 2 to, the [Sea Fisheries \(Northern Ireland\) Order 2002 \(S.I. 2002/790\)](#): see [paragraph 3\(2\)](#) of Schedule 2 to that Order. Any remaining functions of the Secretaries of State concerned with sea fishing in Scotland and Wales under section 30(2) of the 1981 Act were transferred to the Minister of Agriculture, Fisheries and Food: see [article 2\(1\)](#) of, and the Schedule to, the [Transfer of Functions \(Agriculture and Fisheries\) Order 2000 \(S.I. 2000/1812\)](#). The function of that Minister and the Secretary of State concerned with sea fishing in Northern Ireland acting jointly under section 30(2) was transferred to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with sea fishing in Northern Ireland acting jointly: see [article 2\(5\)](#) of the [Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#). The function of the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with sea fishing in Northern Ireland was transferred to the Secretary of State by article 3(1)(d) of the [Transfer of Functions \(Sea Fisheries\) Order 2012 \(S.I. 2012/2747\)](#).
- M4** [1972 c.68](#); [section 2\(2\)](#) was amended by section 27(1)(a) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and Part 1 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c.7\)](#).
- M5** The Secretary of State is designated in relation to the common agricultural policy by [S.I. 1972/1811](#). The Welsh Ministers are designated in relation to the common agricultural policy by [S.I. 2010/2690](#). The function of the former Minister of Agriculture of making regulations under section 2(2) was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order ([S.I. 2002/794](#)).
- M6** The Secretary of State is designated in relation to the environment by [S.I. 2008/301](#). The Welsh Ministers are designated in relation to the conservation of natural habitats and of wild fauna by [S.I. 2002/248](#), amended by [S.I. 2006/3329](#) and 2011/1043. The designation is subject to the exceptions set out in Schedule 2 to that Order. That Order continues to have effect, and the functions conferred on the National Assembly for Wales by means of that Order are now exercisable by the Welsh Ministers, by virtue of paragraphs 28(1) and 30 of Schedule 11 to, the Government of Wales Act 2006.
- M7** [S.I. 2005/1605](#), amended by [S.I. 2009/1309](#).
- M8** [S.I. 2007/1842](#), to which there are amendments not relevant to these Regulations.
- M9** [S.I. 2008/691](#).

- M10** OJ No. L 286, 29.10.2008, p. 1, as last amended by Commission Regulation (EU) No. 202/2011 (OJ No. L 57, 2.3.2011, p. 10).
- M11** OJ No. L280, 27.10.2009, p.5, as last amended by Commission Implementing Regulation (EU) N.865/2013 (OJ No. L 241, 10.9.2013, p.1).
- M12** OJ. No L343, 22.12.2009, p.1, as last amended Regulation (EU) No. 508/20144 (OJ) N. L 149, 20.5.2014, p.1).
- M13** OJ No. L 112, 30.4.2011, p. 1, as corrected by a corrigendum (OJ No. L 328, 10.12.2011, p. 58).
- M14** OJ No. L 354, 28.12.2013, p. 22, as amended by Council Regulation (EU) No. 1385/2013 (OJ No. L 354, 28.12.2013, p. 86).
- M15** [Paragraph 1A](#) of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and by [S.I. 2007/1388](#).

Changes to legislation:

There are currently no known outstanding effects for the The Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015, Introductory Text.