
WELSH STATUTORY INSTRUMENTS

2010 No. 269 (W.33)

SEA FISHERIES, WALES

CONSERVATION OF SEA FISH

The Scallop Fishing (Wales) (No.2) Order 2010

<i>Made</i>	- - - -	<i>8 February 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>8 February 2010</i>
<i>Coming into force</i>	- -	<i>1 March 2010</i>

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 1, 3, 5, 5A, 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967(1), now vested in them(2), and paragraph 1A of Schedule 2 to the European Communities Act 1972(3).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Welsh Ministers that it is expedient for the reference in article 11 of this Order to Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juvenile marine organisms(4) to be construed as a reference to that Regulation as amended from time to time.

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- (1) 1967 c. 84. Section 1 was substituted by the Fisheries Act 1981 (c. 29), section 19(1) and amended by the Merchant Shipping Act 1995 (c. 21), section 314(2) and Schedule 13, paragraph 38(a) and the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 43(1), (2) and (3). Section 3 was amended by the Fishery Limits Act 1976 (c. 86), section 9 and Schedule 2, paragraph 16(1), the Inshore Fishing (Scotland) Act 1984 (c. 26), section 10(1) and Schedule 1 and S.I. 1999/1820, article 4 and Schedule 2, paragraph 43(1), (2) and (4). Section 5 was amended by the Fisheries Act 1981 (c. 29), section 22(1), (2) and (3) and amended by the Merchant Shipping Act 1995 (c. 21), section 314(2) and Schedule 13, paragraph 38(b) and S.I. 1999/1820, article 4 and Schedule 2, paragraph 43(1) and (2). Section 5A was inserted by the Environment Act 1995 (c. 25), section 103(1). Section 15(3) was substituted by the Sea Fisheries Act 1968 (c. 77), section 22(1) and Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c. 86), section 9 and Schedule 2, paragraph 16(1) and S.I. 1999/1820, article 4 and Schedule 2, paragraph 43(1) and (2). See section 22(2) for definitions of “the Ministers”; section 22(2) was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d), 45(a), (b) and (c) and 46(2) and by S.I. 1999/1820, article 4 and Schedule 2, paragraph 43(1) and (12) and the Northern Ireland Constitution Act 1973 (c. 36), section 40 and Schedule 5, paragraph 8(1).
- (2) By virtue of article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under sections 1, 3, 5, 5A, 15(3) and 20 of the 1967 Act were transferred to the National Assembly for Wales (as constituted under the Government of Wales Act 1998 (c. 38)) in so far as exercisable in relation to Wales (acting concurrently with any Minister of the Crown by whom they are exercisable in relation to section 15(3)). Those functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (3) 1972 c. 68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) (“the 2006 Act”). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act. The Welsh Ministers have been designated (S.I. 2005/2766) for the purposes of section 2(2) of the 1972 Act in relation to the common agricultural policy of the European Community.
- (4) OJ No. L125, 27.4.1998, p. 1.