
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in relation to Wales, regulates scallop fishing in “Welsh waters” and comes into force on 1 March 2010. For the purposes of the Order “Welsh waters” are defined as being those sea areas falling within “Wales” as defined by section 158 of the Government of Wales Act 2006.

Article 3 restricts the engine output capacity of British fishing boats which may use scallop dredges.

Article 4 provides for a closed season in respect of scallop fishing, being a period commencing on 1 June 2010, and on 1 May in each subsequent year, and ending on the 31 October.

Article 5 prohibits the use of scallop dredges at any time within one nautical mile of the baselines from which the breadth of the territorial sea is measured.

Article 6 provides limits as to the number of scallop dredges that may be used at any one time in the areas between 1 and 3 nautical miles, 3 to 6 nautical miles and 6 to 12 nautical miles off the Welsh coast.

Article 7 requires that, when not lawfully in use, all scallop dredges must be securely stored onboard the fishing boat.

Article 8 provides restrictions as to the size of the tow bars which may be used by British fishing boats in the areas between 1 and 3 nautical miles, 3 to 6 nautical miles and 6 to 12 nautical miles off the Welsh coast.

Article 9 provides for the maximum external diameter of tow bar which may be used.

Article 10 fixes the specification of scallop dredges which may be towed.

Article 11 fixes the minimum size of scallop which may be carried by a British fishing boat and the method to be used for measuring scallops.

Article 12 prohibits fishing for scallops by dredging within designated areas set out in the Schedule.

Article 13 provides for British sea fishery officers to have certain powers to board, search and detain British fishing boats and to inspect, copy and detain documents.

Article 14 revokes the Prohibition of Fishing for Scallops (Wales) Order 2009 and the Scallop Fishing (Wales) Order 2010.

The provisions contained in articles 2, 3, 6, 8, 9, 10 and 11 of this Order were notified in draft to the European Commission in accordance with the requirements of Article 8 of Directive [98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ No L 204, 21.7.98, p.37) as amended by Directive [98/48/EC](#) of the European Parliament and of the Council (OJ No L 217, 5.8.98, p.18).

A regulatory impact assessment has been undertaken in respect of this Order and is available for inspection at the offices of the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Scallop Fishing (Wales) (No.2) Order 2010.