
WELSH STATUTORY INSTRUMENTS

2018 No. 1095

**The Sea Fishing (Miscellaneous
Amendments) (Wales) Order 2018**

Amendments to the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006

2.—(1) The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006(1) are amended as follows.

(2) In regulation 1 (title, commencement and application), in paragraph (2), after “Wales” insert “and the Welsh zone”.

(3) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the definition of “Article 9”;

(ii) omit the definition of “the CFP Regulation”;

(iii) insert in the appropriate place in alphabetical order—

““the Control Regulation” (“*y Rheoliad Rheolaeth*”) means Council Regulation (EC) No. 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, as amended from time to time;”;

““Wales” (“*Cymru*”) has the same meaning as it has by virtue of section 158 of the Government of Wales Act 2006;”;

““Welsh zone” (“*parth Cymru*”) has the same meaning as it has by virtue of section 158 of the Government of Wales Act 2006.”;

(iv) in the definition of “equivalent provisions”, for “Article 9, or Article 22 of the CFP Regulation” substitute “Chapter II of Title V”; and

(v) in the definition of “fish”, for “Article 9 or Article 22 of the CFP Regulation” substitute “the Control Regulation”;

(b) for paragraph (3) substitute—

“(3) Terms used in these Regulations which are not defined in paragraph (1) or (2) and which appear in the Control Regulation have the same meaning in these Regulations as they have for the purposes of the Control Regulation.

(4) In these Regulations, a reference to an Article means an Article of the Control Regulation, and a reference to Chapter II of Title V means Chapter II of Title V of the Control Regulation.”

(4) In regulation 3 (registration of fish sellers)—

(a) in paragraph (1), for “Article 9” substitute “Chapter II of Title V (Control of marketing : post-landing activities)”;

- (b) in paragraph (4), for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 59, 62, 63, 64, 66 and 67”; and
 - (c) in paragraph (8)(b) for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 59, 62, 63, 64, 66 or 67”.
- (5) In regulation 5 (maintenance of records by registered fish seller), in paragraph (3), for “until the end of the second calendar year following that sale” substitute “for 3 years”.
- (6) In regulation 6 (designation of fish auction sites)—
- (a) in paragraph (1), for “Article 9 and Article 22 of the CFP Regulation” substitute “Chapter II of Title V”;
 - (b) in paragraph (3), for “Article 9, Article 22 of the CFP Regulation” substitute “Chapter II of Title V”; and
 - (c) in paragraph (7)(b), for “Article 9, Article 22 of the CFP Regulation” substitute “Chapter II of Title V”.
- (7) In regulation 7 (registration of fish buyers)—
- (a) in paragraph (1), for “Article 22(2)(b) of the CFP Regulation” substitute “Article 59”;
 - (b) in paragraph (3), for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 62, 63, 64, 66 and 67”; and
 - (c) in paragraph (7)(b), for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 62, 63, 64, 66 or 67”.
- (8) For regulation 8 (purchase of fish by an unregistered buyer) substitute—
- “8.** Any person who buys fish contrary to Article 59(2) is guilty of an offence, unless the exemption in Article 59(3) applies.”
- (9) In regulation 9 (maintenance of records by registered fish buyer), in paragraph (3), for “until the end of the second calendar year following that purchase” substitute “, for 3 years”.
- (10) In regulation 13 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), after “Wales” insert “and the Welsh zone”.
- (11) For regulation 15 (powers of British sea-fishery officers to seize fish) substitute—
- “15.** Any British sea-fishery officer may seize any fish (including any receptacle which contains the fish) in respect of which the officer has reasonable grounds to suspect that an offence under these Regulations or under any equivalent provision has been committed.”
- (12) In Schedule 1 (conditions applicable to registrations of fish sellers), in paragraph 2, for “Article 9” substitute “Articles 62 to 64”.
- (13) In Schedule 3 (conditions applicable to registrations of fish buyers), in paragraph 2, for “Article 22(2) of Council Regulation (EC) 2371/2002” substitute “Articles 62 to 64”.