
WELSH STATUTORY INSTRUMENTS

2018 No. 1095 (W. 228)

SEA FISHERIES, WALES

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

<i>Made</i>	- - - -	<i>16 October 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>18 October 2018</i>
<i>Coming into force</i>	- -	<i>20 November 2018</i>

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 3(1), 5(1), 5(6), 6(1), 6(1A) and 15(3) of the Sea Fish (Conservation) Act 1967⁽¹⁾, which are now vested in them⁽²⁾, and section 2(2) of, and paragraph 1A of Schedule 2⁽³⁾ to the European Communities Act 1972⁽⁴⁾ (“the 1972 Act”).

The Welsh Ministers are designated for the purposes of section 2(2) of the 1972 Act in relation to the common agricultural policy of the European Union⁽⁵⁾.

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- (1) 1967 c. 84 (“the 1967 Act”). Section 3(1) was amended by article 4 of and paragraph 43(1) and (2)(b) of Part 1 of Schedule 2 to S.I. 1999/1820. Section 5(1) was substituted by section 198(1) and (2) of the Marine and Coastal Access Act 2009 (c. 23) (“the 2009 Act”). See section 5(9) of the 1967 Act for a definition of “the appropriate national authority”. Section 5(9) was inserted by section 198(3) of the 2009 Act and amended by article 4(2) and (4) of S.I. 2010/760. Section 5(6) was amended by section 22(2) of the Fisheries Act 1981 (c. 29) and section 201 of and paragraphs 3(1) and 4(a), (b) and (c) of Schedule 15 to the 2009 Act. Section 6(1) was amended by article 4 of, and paragraph 43(1) and (6)(a) of Part 1 of Schedule 2 to S.I. 1999/1820. Section 6(1A) was inserted by section 23(2) of the Fisheries Act 1981 and amended by article 4 of and paragraph 43(1) and (2)(b) of Part 1 of Schedule 2 to S.I. 1999/1820. Section 15(3) was substituted by section 22(1) of and Part 2 of Schedule 1 to the Sea Fisheries Act 1968 (c. 77) and amended by section 9(1) of and paragraph 16(1) of Schedule 2 to the Fishery Limits Act 1976 (c. 86) and further amended by article 4 of and paragraphs 43(1) and (2)(b) of Schedule 2 to S.I. 1999/1820. See section 22(2) of the 1967 Act for a definition of “the Ministers” for the purposes of sections 3, 5, 6, and 15(3) of that Act. Section 22(2) was amended by sections 19(2)(d), 45(a), (b) and (c) and 46(2) of, and Part 2 of Schedule 5 to the Fisheries Act 1981, and by article 4 of and paragraph 43(1) and (12) of Part 1 and Part 4 of Schedule 2 to S.I. 1999/1820.
- (2) By virtue of article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under sections 3, 5, 6 and 15 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) (“the 2006 Act”). By virtue of articles 4(1)(b) and 5(1)(b) of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), functions exercisable under sections 3, 5, 6 and 15 of the 1967 Act were further transferred to the Welsh Ministers in so far as exercisable in relation to the Welsh zone (acting concurrently with any Minister of the Crown by whom they are exercisable in relation to section 15(3)).
- (3) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and was amended by section 3(3) of and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and by article 3 of and paragraph 1 of Schedule 1 to S.I. 2007/1388. It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day (see section 20 of that Act).
- (4) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and section 3(3) of and Part 1 of the Schedule to the European Union (Amendment) Act 2008. It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 from exit day (see section 20 of that Act).
- (5) S.I. 2010/2690.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

This Order makes provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to 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 (Wales) Regulations 2006⁽⁶⁾, the Tope (Prohibition of Fishing) (Wales) Order 2008⁽⁷⁾ or the Shrimp Fishing Nets (Wales) Order 2008⁽⁸⁾, to the following Regulations to be construed as a reference to those Regulations as amended from time to time—

- (a) [Commission Regulation \(EC\) No. 517/2008](#) of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets⁽⁹⁾, and
- (b) 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⁽¹⁰⁾.

⁽⁶⁾ S.I. 2006/1495 (W. 145).

⁽⁷⁾ S.I. 2008/1438 (W. 150).

⁽⁸⁾ S.I. 2008/1811 (W. 175).

⁽⁹⁾ OJ No L 151, 11.6.2008, p. 5.

⁽¹⁰⁾ OJ No L 343, 22.12.2009, p. 1, as last amended by Regulation (EU) 2015/812 (OJ No L 133, 29.5.2015, p. 1).