
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision regarding the fishing, landing and carriage of whelk by British fishing boats in Wales and the Welsh zone.

Articles 3 of this Order prohibits fishing for whelk under specified minimum size in Wales and the Welsh zone.

Article 4 prescribes the specified minimum size for the landing of whelk in Wales.

Article 5 prescribes the specified minimum size for the carriage of whelk in Wales or the Welsh zone.

The specified minimum size for the purposes of Articles 3, 4 and 5 is 55 millimetres before 4 July 2020 and 65 millimetres on and after 4 July 2020.

Article 6 prescribes the method by which the size of a whelk is to be determined for the purposes of this Order.

Article 7 revokes Byelaw 11 (Whelk – Minimum Size) of the former South Wales Sea Fisheries Committee (“SWSFC”) and amends Byelaw 19 (Specified Fish Sizes) of the former North Western and North Wales Sea Fisheries Committee (“NWNWSFC”).

The SWSFC and the NWNWSFC were abolished, in relation to Wales, on 1 April 2010 when the Sea Fisheries Regulation Act 1966 (c. 38) was repealed by section 187 of the Marine and Coastal Access Act 2009 (c. 23). Since 1 April 2010, the Byelaws mentioned above have had effect as if made by the Welsh Ministers in a statutory instrument by virtue of paragraphs (1) and (3) of article 13 of and Schedules 3 and 4 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 (S. I. 2010/630 (C. 42)). Article 7(3) makes a consequential amendment to the 2010 Order.

The provisions of this order were notified in draft to the European Commission in accordance with the requirements of Article 46 of Council Regulation (EC) No. 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ No. L 125, 24.04.98, p. 1).

A Regulatory Impact Assessment has been undertaken in respect of this Order and is available for inspection at the offices of the Welsh Government, Cathays Park, Cardiff CF10 3NQ.