
WELSH STATUTORY INSTRUMENTS

2019 No. 1498 (W. 274)

SEA FISHERIES, WALES

CONSERVATION OF SEA FISH

The Whelk Fishing (Wales) (Amendment) Order 2019

<i>Made</i>	- - - -	<i>10 December 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>12 December 2019</i>
<i>Coming into force</i>	- -	<i>15 January 2020</i>

The Welsh Ministers make the following Order in exercise of the powers conferred by section 1(3) and (6) of the Sea Fish (Conservation) Act 1967(1), now vested in them(2).

Title and commencement

1. The title of this Order is the Whelk Fishing (Wales) (Amendment) Order 2019 and it comes into force on 15 January 2020.

Amendment of the Whelk Fishing (Wales) Order 2019

- 2.—(1) The Whelk Fishing (Wales) Order 2019(3) is amended as follows.
- (2) In article 4, in the English language text, for “purpose” substitute “purposes”.
- (3) For article 5 substitute—

(1) 1967 c. 84 (“the 1967 Act”). Section 1 of the 1967 Act was substituted by the Fisheries Act 1981 (c. 29), section 19(1). Section 1(3) of the 1967 Act was substituted by the Marine and Coastal Access Act 2009 (c. 23) (“the 2009 Act”), section 194(1) and (4). See section 1(9) of the 1967 Act for a definition of the “appropriate national authority”. Section 1(9) was inserted by the 2009 Act, section 194(1) and (5) and amended by S.I. 2010/760. Section 22(2) of the 1967 Act, which contains a definition of “the Ministers”, was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and (3), and 45 and 46, Schedule 5, Part 2 and S.I.1999/1820, article 4, Schedule 2, Part 1, paragraph 43(1) and (12)), Part 4.

(2) The functions of the Ministers under section 1(3) and (6) so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales (as constituted under the Government of Wales Act 1998 (c. 38)): see article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were then further transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). So far as exercisable in relation to the Welsh zone, the functions of the Ministers under section 1(3) and (6) of the 1967 Act, were transferred to the Welsh Ministers by article 4(1)(b) of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760).

(3) S.I. 2019/1042 (W. 184).

“Prohibition on carriage of specified whelk

5.—(1) For the purposes of section 1(3) of the Act (which prohibits the carriage on specified fishing boats of any sea fish of any description which does not meet the requirements as to size prescribed in relation to sea fish of that description), whelk with a size of less than the specified minimum size may not be carried by a British fishing boat that has fished in the Welsh zone during that boat’s current fishing trip.

(2) In this article, “current fishing trip” means the time from when the fishing boat departed from a port to the time when it returns to a port.”

10 December 2019

Lesley Griffiths
Minister for Environment, Energy and Rural
Affairs, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Whelk Fishing (Wales) Order 2019 ([S.I. 2019/1042 \(W. 184\)](#)) (“the Principal Order”).

Article 5 of the Principal Order currently prohibits the carriage of whelk with a size of less than the specified minimum size by British fishing boats within the Welsh zone. The “specified minimum size” for whelk is defined in article 2 of the Principal Order.

Article 2(2) of this Order replaces “purpose” with “purposes” in the English language text of article 4 of the Principal Order.

Article 2(3) substitutes a new article 5 in the Principal Order. The effect of this substitution is that a British fishing boat may carry whelks with a size of less than the specified minimum size within the Welsh zone if it has not fished in the Welsh zone during that particular fishing trip.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.