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WELSH STATUTORY INSTRUMENTS

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**2019 No. 1332 (W. 230)**

**SEA FISHERIES, WALES**

**CONSERVATION OF SEA FISH**

**The Sea Fishing (Miscellaneous  
Amendments) (Wales) Regulations 2019**

<i>Made</i>	- - - -	<i>9 October 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>11 October 2019</i>
<i>Coming into force</i>	- -	<i>1 November 2019</i>

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 1(1) and (3), and 5(1) of the Sea Fish (Conservation) Act 1967<sup>(1)</sup>, and now vested in them<sup>(2)</sup>, and paragraph 1A of Schedule 2 to the European Communities Act 1972 (“the 1972 Act”)<sup>(3)</sup>.

The Welsh Ministers are designated for the purposes of the 1972 Act in relation to the common agricultural policy<sup>(4)</sup>.

These Regulations make 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 the reference to an EU instrument in regulation 3 to be construed as a reference to that instrument as amended from time to time.

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- (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(1) of the 1967 Act was amended by the Marine and Coastal Access Act 2009 (c. 23) (“the 2009 Act”), section 194(1) and (2) and S.I. 1999/1820, article 4, Schedule 2, Part 1, paragraph 43(1) and (2)(a). Section 1(3) of the 1967 Act was substituted by the 2009 Act, section 194(1) and (4). See section 1(9) 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, article 4(2) and (4). Section 5(1) was substituted by the 2009 Act, section 198(1) and (2). See section 5(9) for a definition of “the appropriate national authority”. Section 5(9) was inserted by the 2009 Act, section 198(3) and amended by S.I. 2010/760, article 4(2) and (4). 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 sections 1(1) and (3), and 5(1) and so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by 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 sections 1(3), (4) and (6), and 5(1) and (2) 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) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.
- (4) S.I. 2010/2690 (W. 205). By virtue of paragraph 28(1) of Schedule 11 to the Government of Wales Act 2006, this designation has effect as if made under section 59(1) of that Act.

### **Title and commencement**

1.—(1) The title of these Regulations is the Sea Fishing (Miscellaneous Amendments) (Wales) Regulations 2019.

(2) These Regulations come into force on 1 November 2019.

### **The Prohibition of Fishing with Multiple Trawls (Wales) Order 2003**

2. In the Prohibition of Fishing with Multiple Trawls (Wales) Order 2003<sup>(5)</sup>, in article 2, for the definition of “the Council Regulation” substitute—

““the Council Regulation (“*Rheoliad y Cyngor*”) means Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures;”.

### **Scallop Fishing (Wales) (No. 2) Order 2010**

3. In the Scallop Fishing (Wales) (No. 2) Order 2010<sup>(6)</sup>, for article 11(2) substitute—

“(2) For the purposes of paragraph (1), the size of a scallop is to be measured in accordance with paragraph 6 of Annex 4 to Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures as amended from time to time.”

### **Whelk Fishing (Wales) Order 2019**

4. In the Whelk Fishing (Wales) Order 2019<sup>(7)</sup>, for article 6 substitute—

“6. For the purposes of articles 3, 4 and 5, the size of a whelk is to be measured in accordance with paragraph 6 of Annex 6 to Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures.”

9 October 2019

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

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<sup>(5)</sup> S.I. 2003/1855 (W. 205), amended by S.I. 2019/463 (W. 111).

<sup>(6)</sup> S.I. 2010/269 (W. 33).

<sup>(7)</sup> S.I. 2019/1042 (W. 184).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make miscellaneous amendments to secondary legislation in the field of sea fisheries that relates to Wales and the Welsh zone.

The amendments replace references to Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms with references to Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, which has repealed and replaced Council Regulation (EC) 850/98.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.