



Environment (Wales) Act 2016

2016 anaw 3

PART 5

FISHERIES FOR SHELLFISH

Protection of marine environment

74 Power to vary or revoke orders to protect European marine sites

- (1) The Sea Fisheries (Shellfish) Act 1967 is amended as follows.
- (2) After section 5D (as inserted by section 73) insert—

“5E European marine sites: power of Welsh Ministers to vary or revoke order under section 1

- (1) This section applies where—
 - (a) the Welsh Ministers have served a site protection notice on the grantees of an order made under section 1 of this Act,
 - (b) the notice has not been cancelled under section 5B(6) or 5C(5) of this Act, and
 - (c) no appeal under section 5C of this Act is pending.
- (2) The Welsh Ministers may vary or revoke the order to reflect the effect of the site protection notice.
- (3) Before making an order by virtue of this section, the Welsh Ministers must consult—
 - (a) any persons who are entitled to a right of several fishery or a right of regulating a fishery in any part of the area to which the order relates, and
 - (b) any other persons the Welsh Ministers think are likely to be interested in the order or affected by it.

Status: This is the original version (as it was originally enacted).

- (4) For the purposes of subsection (1)(c), an appeal under section 5C is pending if—
- (a) an appeal under that section (or a further appeal) has been brought and has not been determined or withdrawn, or
 - (b) an appeal under that section (or a further appeal) has not been brought but the period for bringing such an appeal is still running.”
- (3) In section 1 (power to make orders as to fisheries for shellfish), in subsection (8), after “subsection (10) below” insert “or by virtue of section 5E of this Act”.