
STATUTORY INSTRUMENTS

2012 No. 2747

The Transfer of Functions (Sea Fisheries) Order 2012

Transfer of functions

3.—(1) The functions which are exercisable by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with sea fishing in Northern Ireland jointly under or by virtue of the following enactments⁽¹⁾ are transferred to the Secretary of State—

- (a) the Sea Fish (Conservation) Act 1967⁽²⁾ except sections 4(6C) and (6D)⁽³⁾, 4AA⁽⁴⁾, 6⁽⁵⁾ and 8⁽⁶⁾;
- (b) section 5 of the Sea Fisheries Act 1968⁽⁷⁾;
- (c) section 2 of the Fishery Limits Act 1976⁽⁸⁾;
- (d) section 30(2) of the Fisheries Act 1981⁽⁹⁾;
- (e) section 1 of the British Fishing Boats Act 1983⁽¹⁰⁾.

(2) The functions which are exercisable by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with sea fishing in Northern Ireland jointly under or by virtue of section 6 or 8 of the Sea Fish (Conservation) Act 1967 are transferred to the Secretary of State for Environment, Food and Rural Affairs.

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- (1) The specified enactments confer functions on “the Ministers”, acting jointly. Functions of the Ministers in relation to Scotland were transferred to the Scottish Ministers by section 53(1) of the Scotland Act 1998 (c. 46). Functions of the Ministers under the specified enactments in relation to Wales were transferred to the National Assembly for Wales and then transferred from that body to the Welsh Ministers: see article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Functions of the Secretaries of State concerned with sea fishing or the sea fishing industry in Scotland and Wales were transferred to the Minister of Agriculture, Fisheries and Food by article 2(1) of the Transfer of Functions (Agriculture and Fisheries) Order 2000 (S.I. 2000/1812). Functions of that Minister and the Secretary of State concerned with sea fishing or the sea fishing industry in Northern Ireland were transferred by article 2(5) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with sea fishing or the sea fishing industry in Northern Ireland. Functions of the Ministers under the specified enactments in relation to Northern Ireland were transferred to the Department of Agriculture and Rural Development in Northern Ireland by the Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002/790).
- (2) 1967 c. 84.
- (3) Subsections (6C) and (6D) of section 4 were inserted by the Sea Fish (Conservation) Act 1992 (c. 60), section 1(3).
- (4) Section 4AA was inserted by the Sea Fish (Conservation) Act 1992, section 2.
- (5) Section 6 was amended by the Northern Ireland Constitution Act 1973 (c. 36), paragraph 8 of Schedule 5; the Fisheries Act 1981 (c. 29), section 23(2) and (3); and S.I. 1999/1820.
- (6) Section 8 was amended by S.I. 1999/1820.
- (7) 1968 c. 77. Section 5 was amended by the Fishery Limits Act 1976 (c. 86), section 4(1) and (2), paragraph 3(1) of Schedule 1 and paragraph 17(1) of Schedule 2; the Fisheries Act 1981, section 24(2); the Criminal Justice Act 1991 (c. 53), Part 3 of Schedule 4; and S.I. 1999/1820.
- (8) 1976 c. 86. Section 2 was amended by the Fisheries Act 1981, Part 2 of Schedule 5; the Inshore Fishing (Scotland) Act 1984 (c. 26), Schedule 2; the Merchant Shipping Act 1988 (c. 12), Schedule 7; and S.I. 1999/1820.
- (9) 1981 c. 29.
- (10) 1983 c. 8; section 1 was amended by S.I. 1999/1820.

Changes to legislation:

There are currently no known outstanding effects for the The Transfer of Functions (Sea Fisheries) Order 2012, Section 3.