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WELSH STATUTORY INSTRUMENTS

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**2012 No. 1689**

**The Swansea Bay (Thomas Shellfish Limited) Mussel Fishery Order 2012**

**Title, commencement and application**

1.—(1) The title of this Order is the Swansea Bay (Thomas Shellfish Limited) Mussel Fishery Order 2012 and it comes into force on 18 September 2012.

(2) This Order applies in relation to Wales.

**Interpretation**

2. In this Order—

“the Act” (“*y Ddeddf*”) means the Sea Fisheries (Shellfish) Act 1967;

“the Area” (“*yr Ardal*”) means the area of Swansea Bay described in the Schedule to this Order;

“co-ordinate” (“*cyfesuryn*”) means a co-ordinate of latitude and longitude on the World Geodetic System 1984;

“the fishery” (“*y bysgodfa*”) means the right of several fishery created by article 3 of this Order;

“the Grantee” (“*y Granti*”) means Thomas Shellfish Limited (Company Number 04751727) whose registered office is at Druslyn House, De La Beche Street, Swansea, SA1 3HJ or such other person as is for the time being entitled to the fishery;

“mussel” (“*cragen las*”) means any shellfish of the type *Mytilus edulis*; and

“statutory undertaker” (“*ymgymerydd statudol*”) means any person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990(1).

**Right of fishery**

3. Subject to the provisions of this Order, the Grantee has the right of several fishery for mussels within the Area for a period of 20 years starting on 18 September 2012.

**Marking of limits of the Area**

4. The Grantee must mark out the limits of the Area in such manner as the Welsh Ministers may from time to time direct and must maintain those markers in position and good repair.

**Catch Return**

5.—(1) The Grantee must submit to the Welsh Ministers a catch return—

(a) for the period from 18 September 2012 to 31 March 2013 on or before 31 July 2013; and thereafter

- (b) for the period from 1 April to 31 March on or before the 31 July in the year during which that period ends.
- (2) A catch return for the purposes of paragraph (1) must record—
  - (a) the annual total live weight of seed mussel laid down on the fishery;
  - (b) the location from which the seed mussels were sourced;
  - (c) the annual total live weight of all mussels taken from the fishery;
  - (d) the location from which the mussels were taken; and
  - (e) such further information as may be required by the Welsh Ministers and notified to the Grantee from time to time.

#### **Accounts of income and expenditure, other information and inspection**

6.—(1) The Grantee must give to the Welsh Ministers annual accounts of the Grantee’s income and expenditure under this Order.

(2) Without prejudice to paragraph (1), the Grantee must comply with any request made by the Welsh Ministers for information relating to this Order.

(3) The Grantee must allow any person authorised by the Welsh Ministers to inspect the Area and all accounts and other documents in the possession of the Grantee relating to this Order, and must give that person any information relating to these matters which that person may require.

#### **Rights of the Crown**

7. Nothing in this Order affects prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular nothing in this Order authorises the Grantee to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatever description belonging to her Majesty in right of the Crown and under the management of the Crown Estate Commissioners.

#### **Rights of statutory undertakers**

8. Nothing in this Order affects prejudicially the exercise of any statutory functions by a statutory undertaker.

#### **Assignment**

9. The Grantee may not without the prior written consent of the Welsh Ministers assign or in any other way transfer this right of fishery to any other person.

27 June 2012

*Alun Davies*  
Deputy Minister for Agriculture, Food, Fisheries  
and European Programmes, under authority  
of the Minister for Business, Enterprise,  
Technology and Science, one of the Welsh  
Ministers