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WELSH STATUTORY INSTRUMENTS

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**2015 No. 88**

**The Prohibition of Keeping or Release of Live Fish (Specified Species) (Wales) Order 2015**

**Title, commencement and application**

1.—(1) The title of this Order is the Prohibition of Keeping or Release of Live Fish (Specified Species) (Wales) Order 2015 and it comes into force on 27 February 2015.

(2) Subject to paragraph (3), this Order applies in relation to Wales.

(3) Article 4(c) applies in relation to Wales and “Wales” (“*Cymru*”), for the purposes of this paragraph only, has the same meaning as it has by virtue of section 158(1) of the Government of Wales Act 2006(1).

(4) This Order does not apply in relation to the introduction of any live fish by a person who has been —

- (a) issued with a permit under Council Regulation (EC) No. 708/2007(2) concerning use of alien and locally absent species in aquaculture, or
- (b) served with a notice under regulation 7(2)(b) or (3)(b) (notices permitting movement) of the Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011(3).

(5) This Order does not apply to the keeping or release of live fish in inland waters.

**Interpretation**

2. In this Order—

“freshwater fish” (“*pysgod dŵr croyw*”) means any fish living in, or able to live in, fresh water; and

“inland waters” (“*dyfroedd mewndirol*”) has the same meaning as in section 221 of the Water Resources Act 1991(4) except that it does not include garden ponds less than 0.4 hectares in area, which are not fished, have no links to other waters and are located within the curtilage of a residential property.

**Prohibition of keeping or release of specified fish or eggs**

3.—(1) No person may, except under the authority of a licence granted by the Welsh Ministers, keep or release any live freshwater fish, or the live eggs of any freshwater fish, which—

- (a) belongs to a taxonomic order specified in the first column of the table in Part 1 of the Schedule; and
- (b) is not native to England and Wales.

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(1) 2006 c.32. There are amendments to section 158 which are not relevant to this Order.

(2) O.J. No L 168, 28.06.07, p.1 as last amended by Regulation (EU) No 304/2011, O.J. No L 88, 4.4.2011, p. 1.

(3) S.I. 2011/2292.

(4) 1991 c.57. There are amendments to section 221 which are not relevant to this Order.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(2) The requirement for a licence in paragraph (1) does not apply in relation to any species of non-native fish that is specified in the third column of the table in Part 2 of the Schedule and belongs to a taxonomic order referred to in paragraph (1).

#### **Revocations**

4. The following are revoked—
- (a) Prohibition of Keeping or Release of Live Fish (Specified Species) Order 1998<sup>(5)</sup>;
  - (b) Prohibition of Keeping or Release of Live Fish (Specified Species) (Amendment) (Wales) Order 2003<sup>(6)</sup>; and
  - (c) regulation 29 of the Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011<sup>(7)</sup>.

28 January 2015

*Carl Sargeant*  
Minister for Natural Resources, one of the Welsh  
Ministers

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(5) S.I. 1998/2409; amended by article 2 of S.I. 2003/25, article 2 of S.I. 2003/416 and regulation 29 of S.I. 2011/2292. S.I. 1998/2409 has been revoked in relation to England by article 4(a) of S.I. 2014/143.

(6) S.I. 2003/416 (W.60).

(7) S.I. 2011/2292. Regulation 29 of S.I. 2011/2292 has been revoked in relation to England by article 4(c) of S.I. 2014/143.