
WELSH STATUTORY INSTRUMENTS

2019 No. 602 (W. 127)

SEA FISHERIES, WALES

**The Sea Fishing (Penalty Notices)
(Wales) (Amendment) Order 2019**

<i>Made</i>	- - - -	<i>18th March 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>19 March 2019</i>
<i>Coming into force</i>	- -	<i>21 March 2019</i>

The Welsh Ministers, in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981(1) now vested in them(2) and sections 294 and 316(1)(b) of the Marine and Coastal Access Act 2009(3), make the following Order.

Title, application, interpretation and commencement

1.—(1) The title of this Order is the Sea Fishing (Penalty Notices) (Wales) (Amendment) Order 2019.

(2) This Order applies in relation to Wales and the Welsh zone.

(3) In this Order, “Wales” (“*Cymru*”) and “the Welsh zone” (“*parth Cymru*”) have the meanings given by section 158(1) of the Government of Wales Act 2006(4).

(4) This Order comes into force on 21 March 2019.

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- (1) [1981 c. 29](#) (“the 1981 Act”); see section 30(3) for the definition of “the Ministers.”
- (2) The functions of the Ministers under section 30 of the 1981 Act, so far as exercisable 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](#)). The functions of the Ministers under section 30 of the 1981 Act, so far as exercisable in relation to the Welsh zone, were transferred to the Welsh Ministers by article 4(1)(e) of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 ([S.I. 2010/760](#)). Those functions were further transferred, on a concurrent basis, in relation to Welsh fishing boats beyond the seaward limit of the Welsh zone by section 59A of, and paragraph 2(1) of Schedule 3A to, the Government of Wales Act 2006.
- (3) [2009 c. 23](#); see section 294(8) for the definition of “the appropriate national authority”.
- (4) [2006 c. 32](#); there are amendments to section 158 which are not relevant to this definition. For the purposes of the definition of “Wales” in section 158(1), the boundary between those parts of the sea within the Severn and Dee Estuaries which are to be treated as adjacent to Wales and those which are not are, in each case, a line drawn between the co-ordinates set out in Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)). By virtue of section 162 of, and paragraph 26 of Schedule 11 to, the Government of Wales Act 2006, [S.I. 1999/672](#) continues to have effect. The definition of “Welsh zone” in section 158(1) was inserted by section 43(2) of the Marine and Coastal Access Act 2009. The Welsh zone is specified in the Welsh Zone (Boundaries and Transfer of Functions) Order 2010.

Amendment of the Sea Fishing (Penalty Notices) (Wales) Order 2019

2.—(1) The Sea Fishing (Penalty Notices) (Wales) Order 2019⁽⁵⁾ is amended as follows.

(2) In article 1 (title, commencement, and application), for paragraph (3) substitute—

“(3) This Order applies in relation to Wales and the Welsh zone.”

(3) In article 2 (interpretation), in the appropriate places, insert—

““Wales” (“*Cymru*”) has the same meaning as in section 158(1) of the Government of Wales Act 2006;”;

““the Welsh zone” (“*parth Cymru*”) has the same meaning as in section 158(1) of the Government of Wales Act 2006.”

18 March 2019

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sea Fishing (Penalty Notices) (Wales) Order 2019 ([S.I. 2019/363 \(W. 86\)](#)) so as to correct an error relating to the application of that instrument.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. 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 this Order.