STATUTORY INSTRUMENTS

2000 No. 1234

SEA FISHERIES, ENGLAND
SEA FISHERIES, NORTHERN IRELAND

CONSERVATION OF SEA FISH

The Undersized Whiting (Revocation) Order 2000

Made - - - -		*5th May 2000*
Laid before Parliament		*10th May 2000*
Coming into force - -		*15th June 2000*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Wales, acting jointly, in exercise of the powers conferred on them by sections 1(1), (2) and (6) and 20(1) of the Sea Fish (Conservation) Act 1967(**1**), and of all other powers enabling them in that behalf, and the said Minister, the said Secretaries of State and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 1(3), 15(3) and 20(1) of the said Act, and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencment

1. This Order may be cited as the Undersized Whiting (Revocation) Order 2000 and shall come into force on 15th June 2000.

Revocation

2.—(1) The Undersized Whiting Order 1992(**2**) is hereby revoked, except in so far as it:

(**1**) 1967 c. 84. Section 1 was substituted by the Fisheries Act 1981 (c. 29) section 19(1), and was amended by paragraph 38(a) of Schedule 13 to the Merchant Shipping Act 1995 (c. 21) and paragraph 43(2) and (3) of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820). Section 15(3) was substituted by the Sea Fisheries Act 1968 (c. 77) Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c. 86) Schedule 2, paragraph 16(1) and S.I. 1999/1820, paragraph 43(2)(b). See section 22(2) for definitions of "the Ministers" for the purposes of sections 1 and 15(3); section 22(2) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b) and (c) and by S.I. 1999/1820, paragraph 43(12) of Schedule 2. By virtue of article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under section 1 of the 1967 Act were transferred to the National Assembly in so far as exercisable in relation to Wales (defined in section 115(1) of the Government of Wales Act 1998 (c. 38) as including "the sea adjacent to Wales out as far as the seaward boundary of the territorial sea"); in respect of waters beyond Wales these functions remain exercisable by the Ministers.

(**2**) S.I. 1992/1212.

(a) forms part of the law of Scotland; or

(b) has effect in relation to Wales.

(2) For the purposes of paragraph (1), "Wales" has the same meaning as in section 155(1) of the Government of Wales Act 1998(**3**).

	Elliot Morley
	Parliamentary Secretary, Ministry of Agriculture,
3rd May 2000	Fisheries and Food

	John Reid
5th May 2000	Secretary of State for Scotland

	Paul Murphy
4th May 2000	Secretary of State for Wales

	Peter Mandelson
3rd May 2000	Secretary of State for Northern Ireland

(**3**)   1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the Undersized Whiting Order 1992 ("the 1992 Order"), except in so far as it forms part of the law of Scotland or has effect in relation to Wales (article 2). The 1992 Order prescribed minimum sizes for the landing and sale in Great Britain, and for carriage on a British fishing boat, of whiting (*Merlangius merlangus*). It also made related provision for enforcement.

Minimum sizes for the landing, sale, transportation, storage and carriage of whiting are now prescribed by article 19 of Council Regulation (EC) No. 850/98 (OJ No. L125, 27.04.98, p.1), for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, as read with article 17 of that Regulation. Provision for the enforcement of restrictions and obligations contained in that Regulation have been laid down in the Sea Fishing (Enforcement of Community Conservation Measures) Order 2000, which comes into force shortly before this Order.