
STATUTORY INSTRUMENTS

2010 No. 630

**The Marine and Coastal Access Act 2009 (Commencement
No. 1, Consequential, Transitional and Savings
Provisions) (England and Wales) Order 2010**

PART 1

Introduction

Title, commencement and application

1.—(1) The title of this Order is the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010.

(2) This Order comes into force on 1st April 2010.

(3) Articles 1, 2, 9, 10, 11 and 12 of, and Schedule 2 to, this Order apply in relation to England and Wales.

(4) Save as provided in paragraph (3), this Order applies in relation to Wales.

Interpretation

2.—(1) In this Order—

“the 1966 Act” means the Sea Fisheries Regulation Act 1966(1);

“the 2006 Regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006(2);

“England” includes the sea adjacent to England to a distance of 12 nautical miles from the baselines from which the breadth of the territorial sea is measured;

“Menai Strait Fishery Order Management Association” means the Menai Strait Fishery Order Management Association (Company Registration Number 07163689);

“North Western and North Wales Sea Fisheries Committee” means the local fisheries committee for the North Western and North Wales Sea Fisheries District referred to in the North Western and North Wales Sea Fisheries District Order 1999(3);

“relevant employee” has the meaning given in paragraph (2);

“South Wales Sea Fisheries Committee” means the local fisheries committee for the South Wales Sea Fisheries District created by Order of the Board of Agriculture and Fisheries on 27th June 1912(4);

“the transfer date” means 1st April 2010; and

(1) 1966 c. 38.

(2) S.I. 2006/246.

(3) S.I. 1999/1043.

(4) S.R. & O. 1926/1121 as varied by S.I. 1973/2203; S.I. 1980/823; S.I. 2003/3036 (W.284); S.I. 2003/3072 (W.294).

“Wales” has the meaning given by section 158(1) and (3) of the Government of Wales Act 2006⁽⁵⁾.

- (2) In this Order, “relevant employee” means—
- (a) for the purposes of article 5, any person—
 - (i) who was employed by or on behalf of the South Wales Sea Fisheries Committee immediately before the transfer date, and
 - (ii) whose contract of employment has not terminated before the transfer date (whether by expiry of notice, effluxion of time or otherwise); and
 - (b) for the purposes of articles 9 and 10(3), any person—
 - (i) who was employed by or on behalf of the North Western and North Wales Sea Fisheries Committee immediately before the transfer date,
 - (ii) whose contract of employment has not terminated before the transfer date (whether by expiry of notice, effluxion of time or otherwise), and
 - (iii) who was employed in one of the following positions—
 - (aa) Principal Fishery Officer,
 - (bb) Senior Fishery Officer, whose principal place of employment immediately before the transfer date was in Wales,
 - (cc) Fishery Officer, whose principal place of employment immediately before the transfer date was in Wales,
 - (dd) Fishery Patrol Vessel Master,
 - (ee) Fishery Patrol Vessel Crew,
 - (ff) Fishery Patrol Vessel Engineer,
 - (gg) Traeth Lafan Project Officer, or
 - (hh) Marine Biodiversity Officer.

Appointed day

3. 1st April 2010 is the day appointed for the coming into force in relation to Wales of the following provisions of the Marine and Coastal Access Act 2009—

- (a) section 187 (abolition of local fisheries committees); and
- (b) Part 4 (management of inshore fisheries) of Schedule 22 (repeals) and section 321 (repeals) so far as relating to those provisions.

Consequential amendments to, and revocations of, existing enactments

4. On the transfer date—
- (a) the enactments specified in Part 1 of Schedule 1 are amended in relation to Wales in accordance with that Part; and
 - (b) the enactments specified in Part 2 of Schedule 1 are revoked in relation to Wales.

(5) 2006 c. 32. The boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 of and 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 2006 Act, S.I. 1999/672 continues to have effect.