



Fisheries Act 2020

2020 CHAPTER 22

Miscellaneous

43 Agency arrangements between sea fish licensing authorities

- (1) A sea fish licensing authority may make arrangements for—
 - (a) any of its fisheries functions, or
 - (b) any of its product movement functions that are not fisheries functions, to be exercised on its behalf by another sea fish licensing authority.
- (2) Arrangements made by a sea fish licensing authority under subsection (1) in relation to a function do not affect that authority's responsibility for the exercise of the function.
- (3) A sea fish licensing authority that exercises functions on behalf of another sea fish licensing authority under subsection (1) may charge that other authority such fees as it considers reasonable in respect of the cost of doing so.
- (4) Subsection (1) does not authorise the making of arrangements in relation to any function of making, confirming or approving subordinate legislation.
- (5) The power of a sea fish licensing authority to make arrangements under subsection (1) does not affect, and is not affected by, any other power of the authority to make arrangements relating to the exercise of its functions by other persons on its behalf.
- (6) In this section—
 - “fisheries function” means a function relating to fisheries, fishing or aquaculture;
 - “product movement function” means a function relating to the movement of fishery products—
 - (a) into or out of the United Kingdom, or
 - (b) within the United Kingdom.

44 Foreign fishing boats that are exclusively Faroe Islands-regulated

- (1) No prohibition, restriction or obligation relating to sea fishing imposed by any enactment applies to—
- (a) anything done or not done by or in relation to a foreign fishing boat at a time at which the fishing boat is in waters lying within the Special Area and is exclusively Faroe Islands-regulated, or
 - (b) anything done or not done in relation to sea fish that were caught by a foreign fishing boat in waters lying within the Special Area at a time at which the fishing boat was exclusively Faroe Islands-regulated.
- (2) For the purposes of this section a foreign fishing boat is “exclusively Faroe Islands-regulated” if—
- (a) there is in force a licence issued by or on behalf of the Government of the Faroe Islands authorising it to fish in waters lying (to any extent) within the Special Area, and
 - (b) the fishing boat is not on a list maintained and published by the Scottish Ministers for the purposes of this subsection.
- (3) In this section—
- (a) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018 and includes an enactment contained in or made under this Act;
 - (b) “the Special Area” means the Special Area, as defined in Article 4 of, and Schedule C to, the Faroe Islands Treaty;
 - (c) “the Faroe Islands Treaty” means the agreement between—
 - (i) the Government of the United Kingdom, and
 - (ii) the Government of the Kingdom of Denmark together with the Home Government of the Faroe Islands,
 relating to the maritime delimitation in the area between the Faroe Islands and the United Kingdom, entered into on 18 May 1999.

45 Legislative competence of Senedd Cymru

- (1) The Government of Wales Act 2006 is amended as follows.
- (2) In section 108A (legislative competence), after subsection (4) insert—
- “(4A) References in subsections (2)(b) and (3) to Wales include, in relation to a relevant provision of an Act of the Senedd, the area of the Welsh zone beyond the seaward limit of the territorial sea.
- A provision of an Act of the Senedd is “relevant” if it relates to fishing, fisheries or fish health.”
- (3) In section 157A (devolved Welsh authority), after subsection (8) insert—
- “(9) References in this section to Wales include, in relation to a relevant function of a public authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.
- A function of a public authority is “relevant” if it relates to fishing, fisheries or fish health.”

- (4) In Schedule 3, in paragraph 9 (Parliamentary and Senedd procedure applying to exercise of legislative function transferred to Senedd under GOWA 2006), after sub-paragraph (6) insert—

“(6A) References in sub-paragraph (6) to Wales include, in relation to a relevant function or activity of a cross-border body, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function or activity of a cross-border body is “relevant” if it relates to fishing, fisheries or fish health.”

- (5) In Schedule 7A (reserved matters)—

- (a) in paragraph 9, after sub-paragraph (4) insert—

“(4A) References in this paragraph to Wales include, in relation to a relevant function of a tribunal, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of a tribunal is “relevant” if it relates to fishing, fisheries or fish health.”

- (b) in paragraph 195, after sub-paragraph (3) insert—

“(3A) References in this paragraph to Wales include, in relation to a relevant function of an authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of an authority is “relevant” if it relates to fishing, fisheries or fish health.”

- (6) In Schedule 11, in paragraph 33 (Parliamentary and Senedd procedure applying to exercise of legislative function transferred to Senedd under GOWA 1998), after sub-paragraph (6) insert—

“(6A) References in sub-paragraph (6) to Wales include, in relation to a relevant function or activity of a cross-border body, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function or activity of a cross-border body is “relevant” if it relates to fishing, fisheries or fish health.”

46 Interpretation of Welsh legislation

- (1) In the Interpretation Act 1978, section 23B (application of Interpretation Act 1978 to Welsh legislation), as substituted by paragraph 1 of Schedule 2 to the [Legislation \(Wales\) Act 2019 \(anaw 4\)](#), is amended in accordance with subsections (2) and (3).

- (2) In subsection (6), for “and “Wales”” substitute “, “Welsh zone” and (subject to subsection (7)) “Wales””.

- (3) After subsection (6) insert—

“(7) In relation to a provision that—

- (a) relates to fishing, fisheries or fish health, and
(b) is contained in an instrument made after section 45 of the Fisheries Act 2020 comes into force,

Status: This is the original version (as it was originally enacted).

“Wales” includes the area of the Welsh zone beyond the seaward limit of the territorial sea.”

(4) The [Legislation \(Wales\) Act 2019 \(anaw 4\)](#) is amended in accordance with subsections (5) to (8).

(5) In section 1(3)(d) (duty to keep accessibility of Welsh law under review)—

- (a) in the English language text, omit “applies in relation to Wales and relates to subject matter which”;
- (b) in the Welsh language text, omit “y mae’n gymwys o ran Cymru ac y mae’n ymwneud â phwnc”.

(6) In section 3 (legislation to which Part 2 of the Act applies), after subsection (3)—

(a) in the English language text, insert—

“(4) In relation to subordinate legislation that relates to fishing, fisheries or fish health and is made after section 45 of the Fisheries Act 2020 (c. 22) comes into force, the reference in subsection (2)(b)(iii) to Wales includes the area of the Welsh zone beyond the seaward limits of the territorial sea.”;

(b) in the Welsh language text, insert—

“(4) Mewn perthynas ag is-ddeddfwriaeth sy’n ymwneud â physgota, pysgodfeydd neu iechyd pysgod ac a wneir ar ôl i adran 45 o [Ddeddf Pysgodfeydd 2020 \(p. 22\)](#) ddod i rym, mae’r cyfeiriad yn is-adran (2) (b)(iii) at Gymru yn cynnwys yr ardal o barth Cymru sydd y tu hwnt i derfynau atfor y môr tiriogaethol.”

(7) After section 40—

(a) in the English language text insert—

“40A Application of this Part in relation to the Welsh zone

In relation to subordinate legislation that relates to fishing, fisheries or fish health, references in this Part to Wales include the area of the Welsh zone beyond the seaward limits of the territorial sea.”;

(b) in the Welsh language text insert—

“40A Cymhwyso’r Rhan hon mewn perthynas â pharth Cymru

Mewn perthynas ag is-ddeddfwriaeth sy’n ymwneud â physgota, pysgodfeydd neu iechyd pysgod, mae cyfeiriadau yn y Rhan hon at Gymru yn cynnwys yr ardal o barth Cymru sydd y tu hwnt i derfynau atfor y môr tiriogaethol.””

(8) In Schedule 1, in the Table—

(a) in the English language text, after the entry for “Welsh tribunal (*tribiwnlys Cymreig*)” insert—

“Welsh zone (*parth Cymru*)

“Welsh zone” has the meaning given by section 158 of the Government of Wales Act 2006 (c. 32) (and see article 3 of the Welsh Zone (Boundaries and Transfer of Functions) Order

2010 (S.I. 2010/760), which makes provision about the limits of the zone”;

- (b) in the Welsh language text, after the entry for “offeryn UE (*EU instrument*)” insert—

“parth Cymru (*Welsh zone*)

mae i “parth Cymru” yr ystyr a roddir i “Welsh zone” gan adran 158 o [Ddeddf Llywodraeth Cymru 2006 \(p. 32\)](#) (a gweler erthygl 3 o Orchymyn Parth Cymru (Ffiniau a Throsglwyddo Swyddogaethau) 2010 ([O.S. 2010/760](#)), sy’n gwneud darpariaeth ynghylch terfynau’r parth).”

47 Conservation of Seals

Schedule 9 contains amendments of the Conservation of Seals Act 1970 and the [Wildlife \(Northern Ireland\) Order 1985 \(1985/171 \(N.I. 2\)\)](#) in connection with prohibiting the killing, injuring or taking of seals.

48 Amendments of the Marine and Coastal Access Act 2009

Schedule 10 contains—

- (a) in Part 1, amendments of the Marine and Coastal Access Act 2009 relating to the general powers and duties of the Marine Management Organisation, and
- (b) in Part 2, amendments of that Act conferring powers on the Marine Management Organisation, the Welsh Ministers, the Scottish Ministers and the Northern Ireland Department to make byelaws or orders relating to the exploitation of sea fisheries resources for conservation purposes, together with consequential amendments of other enactments.

49 Retained direct EU legislation: minor and consequential amendments

Schedule 11 contains minor and consequential amendments of retained direct EU legislation.