
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Fisheries Act 1981 (c. 29) (“the 1981 Act”) in consequence of the repeal of the Sea Fisheries Regulation Act 1966 (c. 38) (“the 1966 Act”) by section 187 of the Marine and Coastal Access Act 2009 (c. 23) (“the 2009 Act”).

The Order inserts a new paragraph 17C into Part 1 of Schedule 4 to the 1981 Act. The effect of this provision is that a person will not be guilty of an offence under section 190 of the 2009 Act (contravention of an order made by the Welsh Ministers in relation to fisheries in Wales) by reason of anything done by that person in the course of fish farming if it is done or omitted under the authority of an exemption conferred by the Welsh Ministers and in accordance with any conditions attached to the exemption (see section 33(1) of the 1981 Act).

Paragraph 10 of Part 1 of Schedule 4 to the 1981 Act was repealed by Part 4 of Schedule 22 to the 2009 Act. This provision had the effect that a person would not have been guilty of an offence consisting of a contravention of a bye-law made under section 5 of the Sea Fisheries Regulation Act 1966 (byelaws for the regulation of sea fishing) by reason of anything done by that person in the course of fish farming, subject to the same conditions described above in relation to the new paragraph 17C of Part 1 of Schedule 4 to the 1981 Act.

The offence under section 190 of the 2009 Act replaces, in relation to Wales, the offence under the 1966 Act of contravening byelaws under section 5 of that Act. The provision made by this Order maintains the broad effect of Schedule 4 to the 1981 Act in consequence of the repeal of the 1966 Act by the 2009 Act.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.