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WELSH STATUTORY INSTRUMENTS

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**2022 No. 213**

**The Menai Strait (East) Mussel and Oyster Fishery Order 2022**

**PART 3**

**The right of regulating a fishery**

**Right of regulating a fishery**

**14.** The right of regulating a fishery for the prescribed species is conferred on the Grantee for a period of 35 years beginning on 2 April 2022 in relation to the regulated fishery area<sup>(1)</sup>.

**Licensing requirement in the regulated fishery**

**15.** No person may dredge for, fish for or take any of the prescribed species in the regulated fishery area unless under the authority of a licence issued by the Grantee.

**Matters the Grantee must have regard to when exercising their licensing functions**

**16.** When exercising their licensing functions under this Order, the Grantee must have regard to the impact the licensed activities may have upon—

- (a) the European marine sites; and
- (b) the marine environment.

**Licence applications, and information about the application process and amendment of a licence**

**17.—(1)** An application for a licence must be made in such form and manner as the Grantee may specify.

(2) The Grantee must publish on its website a copy of the licence application form and information for applicants about the application process.

(3) A licensee may make a written request to the Grantee for an amendment of the licence, and must provide such information as the Grantee may reasonably require to consider the request.

**Contents of a licence**

**18.** A licence must—

- (a) state the name and address of the licensee;
- (b) identify any vessel authorised to operate in the regulated fishery area by either—
  - (i) the name and licence number of a licensed vessel; or
  - (ii) the watercraft identification number of an unlicensed vessel;

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<sup>(1)</sup> The effect of a grant of a right of regulating a fishery is set out in section 3 of the Act.

- (c) specify the methods of gathering that may be used;
- (d) specify the period of time for which a licence is valid, which must not exceed 1 year;
- (e) include appropriate licence conditions; and
- (f) have a unique identification number.

### **Licence toll**

**19.**—(1) An applicant for a licence must pay a toll of £150 to the Grantee.

(2) The Grantee may vary the toll payable under paragraph (1) with the consent of the Welsh Ministers.

### **Power to make regulations**

**20.**—(1) The Grantee may, with the consent of the Welsh Ministers, make regulations in relation to the dredging for, fishing for or taking of the prescribed species in all or in part of the regulated fishery area.

(2) The Grantee may amend or revoke such regulations, with the consent of the Welsh Ministers.

(3) Regulations made by the Grantee under paragraph (1) must—

- (a) include such provision (if any) as the Grantee considers appropriate for the purpose of—
  - (i) preventing harm to the European marine sites; and
  - (ii) protecting the marine environment;
- (b) state the date upon which they come into force;
- (c) identify the part of the regulated fishery area they apply to by reference to—
  - (i) an area within a line drawn between listed co-ordinates; and
  - (ii) an illustrative map annexed to the regulations showing that part;
- (d) be published on the Grantee’s website at least 21 days before they come into force, unless regulations must be made urgently to protect—
  - (i) the European marine sites; or
  - (ii) the marine environment.

(4) The production of a copy of regulations made by the Grantee, and certified by the Welsh Ministers as a true copy of the original regulations approved by them, shall be conclusive evidence of the existence of the regulations.

### **Welsh Ministers’ consent to regulations made under article 20(1)**

**21.**—(1) A request for the Welsh Ministers’ consent under article 20(1) must be made in writing and must include—

- (a) a copy of the draft regulations; and
- (b) a statement from the Grantee in support of the request.

(2) The Welsh Ministers may require the Grantee to provide them with any further information they reasonably require to consider the request.

(3) Before consenting to any regulations the Welsh Ministers must have regard to—

- (a) the impact of the regulations on the European marine sites; and
- (b) the impact of the regulations upon the marine environment.

(4) The Welsh Ministers’ consent must be given in writing.

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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