Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fishing Boats Designation (England) (Amendment) Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2017 No. 1219

SEA FISHERIES, ENGLAND

FISHERY LIMITS

The Fishing Boats Designation (England) (Amendment) Order 2017

Made - - - -	*6th December 2017*
Laid before Parliament	*7th December 2017*
Coming into force - -	*4th January 2018*

The Secretary of State makes this Order in exercise of the powers conferred by sections 2(1) and (4) and 6(2) of the Fishery Limits Act 1976 [F1], and now vested in the Secretary of State [F2].

F1 1976 c. 86. Section 2(1) and (4) of that Act were amended by S.I. 1999/1820 article 4, Schedule 2, paragraph 57(1) and (2)(a).

F2 The functions of the Ministers under the Fishery Limits Act 1976 ("the 1976 Act") in relation to Wales were transferred to the National Assembly for Wales and then transferred from that body to Welsh Ministers: see article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I 1999/672) and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Insofar as those functions were exercisable in relation to the Welsh zone, they have been transferred to Welsh Ministers by article 4(1) of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760). The functions under the 1976 Act within British fishery limits but outside the Scottish zone are exercisable by "the Ministers" (defined in section 8 of the 1976 Act). Functions under section 2 of the 1976 Act, which are now exercisable in relation to areas within the Scottish zone by virtue of section 2(9) of the 1976 Act, are exercisable by the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). Any remaining functions of the Secretaries of State concerned with the sea fishing industry in Scotland and Wales under section 2 of the 1976 Act were transferred to the Minister of Agriculture, Fisheries and Food: see **article 2(1)** of, and the Schedule to, the Transfer of Functions (Agriculture and Fisheries) Order 2000 (S.I. 2000/1812). Functions under section 2 of the 1976 Act were transferred to the Department of Agriculture and Rural Development (now renamed the Department of Agriculture, Environment and Rural Affairs) under article 3(3) of, and paragraph 4 of Schedule 3 to, the Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002/790). Functions under section 2 of the 1976 Act have been transferred to the Secretary of State: see **article 3(1)(c)** of the Transfer of Functions (Sea Fisheries) Order (S.I. 2012/2747).

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Citation, commencement, extent and application

1.—(1) This Order may be cited as the Fishing Boats Designation (England) (Amendment) Order 2017 and comes into force on 4th January 2018.

(2) This Order extends to England and Wales, but applies only in relation to England and areas within British Fishery limits [F3], other than the excluded areas.

(3) For the purposes of paragraph (2), the excluded areas are—

(a) the Northern Ireland zone (within the meaning of section 98(1) and (8) of the Northern Ireland Act 1998 [F4]);

(b) the Scottish zone (within the meaning of section 126(1) and (2) of the Scotland Act 1998 [F5]); and

(c) the Welsh zone (within the meaning of section 158(1) of the Government of Wales Act 2006 [F6]).

F3 By virtue of section 1(1) of the 1976 Act, "British fishery limits" are the limits set by an Order in Council under section 41(3) of the Marine and Coastal Access Act 2009 (c. 23). Section 1(1) was substituted (for the purposes of the law of England and Wales) by the Marine and Coastal Access Act 2009, Schedule 4, paragraph 2(1) and (2). Section 1(3) and (4) was repealed (but only in relation to England and Wales) by the Marine and Coastal Access Act 2009, Schedule 4, paragraph 2(1) and (3) and Schedule 22, Part 1. The Exclusive Economic Zone Order 2013 (S.I. 2013/3161), an Order in Council made under section 41(3) of the 2009 Act, designates the area of the exclusive economic zone.

F4 1998 c. 47. The part of the sea within British fishery limits which is to be treated as adjacent to Northern Ireland for the purposes of the definition of "the Northern Ireland zone" in section 98(1) of the Northern Ireland Act 1998 is specified in the Adjacent Waters Boundaries (Northern Ireland) Order 2002 (S.I. 2002/791) made under section 98(8) of the Northern Ireland Act 1998.

F5 1998 c. 46. The part of the sea within British fishery limits which is to be treated as adjacent to Scotland for the purposes of the definition of "the Scottish zone" in section 126(1) of the Scotland Act 1998 is specified in the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126) made under section 126(2) of the Scotland Act 1998.

F6 2006 c. 32; section 158(1) was amended by the Marine and Coastal Access Act 2009 (c. 23), **section 43(2)**. There are other amendments not relevant to this Order. The part of the sea within British fishery limits which is to be treated as adjacent to Wales for the purposes of the definition of "the Welsh zone" in section 158(1) of the Government of Wales Act 2006 is specified in the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760) made under sections 58, 157(2) and 158(4) of, and paragraph 7 of Schedule 3 and paragraph 2 of Schedule 4 to, the Government of Wales Act 2006.

Amendment of the Fishing Boats Designation (England) Order 2015

2.—(1) The Fishing Boats Designation (England) Order 2015 [F7] is amended as follows.

(2) In article 3—

(a) for paragraph (3) substitute—

"(3) In paragraph (5) and Schedule 1, "the baselines", except where otherwise indicated, means the baselines as they existed on 25th January 1983 in accordance with the Territorial Waters Order in Council 1964 [F8].";

(b) in paragraph (4), for "(other than squids)" substitute " (other than cephalopods) ".

(3) Schedule 1 (access to fisheries: designated countries and designated areas) is amended as follows.