WELSH STATUTORY INSTRUMENTS

2012 No. 1689 (W.217)

SEA FISHERIES, WALES
SHELLFISH

The Swansea Bay (Thomas Shellfish Limited) Mussel Fishery Order 2012

Made - - - -	*27 June 2012*
Laid before the National Assembly for Wales - -	*29 June 2012*
Coming into force - -	*18 September 2012*

Thomas Shellfish Limited (Company Number 04751727) ("the Grantee") made an application to the Welsh Ministers for an Order conferring a right of several fishery under section 1 of the Sea Fisheries (Shellfish) Act 1967(**1**) ("the Act").

The Welsh Ministers prepared a draft Order and served a copy of it on the Grantee in accordance with paragraph 1 of Schedule 1 to the Act.

The Grantee caused printed copies of the draft Order to be published and circulated, and gave notice of the application, in accordance with paragraph 2 of Schedule 1 to the Act.

No objections to the making of the Order were received.

In the opinion of the Welsh Ministers the following Order should now be made.

The Welsh Ministers make the following Order in exercise of the powers conferred by section 1 of the Act which are now vested(**2**) in them.

(**1**) 1967 c. 83. Section 1 of the Act was amended by section 15(1) and (2) of the Sea Fisheries Act 1968 (c. 77); section 1 of the Sea Fisheries (Shellfish) (Amendment) Act 1997 (c. 3); section 9(1) of, and paragraph 15 of Schedule 2 to, the Fishery Limits Act 1976 (c. 86); sections 202(1), (2) and (3), 203 and 321 of, and Part 5(A) of Schedule 22 to, the Marine and Coastal Access Act 2009 (c. 23). The Act is to be read with section 15(3) to (5) of the Sea Fisheries Act 1968 (c. 77). Schedule 1 to the Act was amended by section 15(7) of the Sea Fisheries Act 1968 (c. 77), section 31(6) of the Criminal Law Act 1977 (c. 45), sections 37 and 46 of the Criminal Justice Act 1982 (c. 48) and section 202(4), 214(1) to (4) and 321 of, and Part 5(A) of Schedule 22 to, the Marine and Coastal Access Act 2009 (c. 23).

(**2**) By virtue of article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) the functions of the appropriate Minister as defined in section 22(1) of the Act were transferred to the National Assembly for Wales (as constituted under the Government of Wales Act 1998 (c. 38)) in so far as exercisable in relation to Wales. Those functions of the National Assembly for Wales were subsequently transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Title, commencement and application

1.—(1) The title of this Order is the Swansea Bay (Thomas Shellfish Limited) Mussel Fishery Order 2012 and it comes into force on 18 September 2012.

(2) This Order applies in relation to Wales.

Interpretation

2. In this Order—

"the Act" ("*y Ddeddf*") means the Sea Fisheries (Shellfish) Act 1967;

"the Area" ("*yr Ardal*") means the area of Swansea Bay described in the Schedule to this Order;

"co-ordinate" ("*cyfesuryn*") means a co-ordinate of latitude and longitude on the World Geodetic System 1984;

"the fishery" ("*y bysgodfa*") means the right of several fishery created by article 3 of this Order;

"the Grantee" ("*y Grantî*") means Thomas Shellfish Limited (Company Number 04751727) whose registered office is at Druslyn House, De La Beche Street, Swansea, SA1 3HJ or such other person as is for the time being entitled to the fishery;

"mussel" ("*cragen las*") means any shellfish of the type Mytilus edulis; and

"statutory undertaker" ("*ymgymerydd statudol*") means any person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990(**3**).

Right of fishery

3. Subject to the provisions of this Order, the Grantee has the right of several fishery for mussels within the Area for a period of 20 years starting on 18 September 2012.

Marking of limits of the Area

4. The Grantee must mark out the limits of the Area in such manner as the Welsh Ministers may from time to time direct and must maintain those markers in position and good repair.

Catch Return

5.—(1) The Grantee must submit to the Welsh Ministers a catch return—

(a) for the period from 18 September 2012 to 31 March 2013 on or before 31 July 2013; and thereafter

(b) for the period from 1 April to 31 March on or before the 31 July in the year during which that period ends.

(2) A catch return for the purposes of paragraph (1) must record—

(a) the annual total live weight of seed mussel laid down on the fishery;

(b) the location from which the seed mussels were sourced;

(c) the annual total live weight of all mussels taken from the fishery;

(d) the location from which the mussels were taken; and

(e) such further information as may be required by the Welsh Ministers and notified to the Grantee from time to time.

(**3**) 1990 c. 8.