
WELSH STATUTORY INSTRUMENTS

2011 No. 1988 (W.219)

SEA FISHERIES, WALES

The Cockles and Mussels (Specified Area) (Wales) Order 2011

<i>Made</i>	- - - -	<i>10 August 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>11 August 2011</i>
<i>Coming into force</i>	- -	<i>1 September 2011</i>

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 189(1) and 316(1) of the Marine and Coastal Access Act 2009(1).

Title, commencement and application

1.—(1) The title of this Order is the Cockles and Mussels (Specified Area) (Wales) Order 2011 and it comes into force on 1 September 2011.

(2) This Order applies in relation to Wales.

Interpretation

2. In this Order—

“British fishing boat” (*“cwch pysgota Prydeinig”*) means a fishing boat which is either registered in the United Kingdom under Part II of the Merchant Shipping Act 1995(2) or is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act;

“cockles” (*“cocos”*) means any shellfish of the type *Cerastoderma edule*;

“Foreshore Gatherers Safety Training Certificate” (*“Tystysgrif Hyfforddiant Diogelwch Casglwyr Blaendraeth”*) means a document issued by the Sea Fish Industry Authority, certifying the applicant’s successful completion of a safety training course for intertidal shellfishing;

“mussels” (*“cregyn gleision”*) means any shellfish of the type *Mytilus edulis*;

“permit” (*“trwydded”*) means a permit issued by the Welsh Ministers pursuant to article 6 of this Order;

“specified area” (*“ardal benodedig”*) means the area described in the Schedule to this Order;

“specified shellfish” (*“pysgod cregyn penodedig”*) means cockles and mussels; and

(1) 2009 c. 23.
(2) 1995 c. 21.

“Wales” (“*Cymru*”) has the meaning given in section 158 of the Government of Wales Act 2006(3).

Fishing restrictions

3.—(1) Subject to paragraph (2), no person may fish for or take specified shellfish within the specified area unless they do so in accordance with the conditions of a permit.

(2) Paragraph (1) does not apply to any person who—

- (a) takes by hand not more than five kilograms in live weight of cockles and five kilograms in live weight of mussels in any one day for personal consumption;
- (b) takes the specified shellfish whilst onboard a British fishing boat; or
- (c) takes the specified shellfish pursuant to an Order made under section 1 of the Sea Fisheries (Shellfish) Act 1967(4).

(3) Any person fishing for or taking the specified shellfish within the specified area must produce a copy of that person’s permit if requested to do so by a person authorised by the Welsh Ministers.

(4) Any person who has been requested to produce a permit pursuant to paragraph (3) must not fish for or take the specified shellfish within the specified area until that permit has been produced.

Permit duration, application and terms

4. A permit will be valid from 1 September in one year until 31 August in the following year.

5.—(1) A person wishing to apply for a permit must complete and submit to the Welsh Ministers an application in such form as the Welsh Ministers may require.

(2) An application pursuant to paragraph (1) must be accompanied by such proof of identity and address as the Welsh Ministers may require.

(3) An application pursuant to paragraph (1) may be made on or after 1 July in the same year as the permit is due to commence.

6.—(1) The Welsh Ministers may issue a permit to—

- (a) any person who held a permit to fish for or take the specified shellfish in the specified area during the period from 1 September in the preceding year until 31 August in the year during which the permit being applied for will commence; and
- (b) forty applicants who hold a current Foreshore Gatherers Safety Training Certificate.

(2) Applications for the permits that the Welsh Ministers may issue pursuant to sub-paragraph (1) (b) will be considered in chronological order of receipt and those forty permits will be issued to the first forty applicants where eligibility in accordance with that sub-paragraph is established.

7. A permit—

- (a) may contain such conditions relating to the fishing for or taking of the specified shellfish as the Welsh Ministers may determine;
- (b) authorises only the named permit holder to fish for or take the specified shellfish within the specified area; and
- (c) is not transferable.

(3) 2006 c. 32.

(4) 1967 c. 83.

8.—(1) A person who fishes for or takes specified shellfish within the specified area must submit a catch return to the Welsh Ministers on or before the fifth day of the calendar month following the month in which those shellfish were fished for or taken.

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

- (a) the date of each catch of specified shellfish;
- (b) the total live weight of all cockles taken on that date;
- (c) the total live weight of all mussels taken on that date;
- (d) the location from which the specified shellfish were taken; and
- (e) such further information as may be required by the Welsh Ministers and notified to the permit holder from time to time.

Revocation and consequential amendment

9.—(1) Byelaw 5 (Permit to Fish for Cockles (*Cerastoderma edule*) and Mussels (*Mytilus edulis*))(5) of the former North Western and North Wales Sea Fisheries Committee(6) is revoked in relation to Wales.

(2) In the Table in Schedule 4 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010(7) delete the row relating to Byelaw 5.

10 August 2011

Alun Davies
Deputy Minister for Agriculture, Food, Fisheries
and European Programmes, under authority
of the Minister for Business, Enterprise,
Technology and Science, one of the Welsh
Ministers

(5) From 1 April 2010, Byelaw 5 of the former North Western and North Wales Sea Fisheries Committee has effect as if made by the Welsh Ministers in a statutory instrument in relation to the same area of Wales as the area to which that byelaw originally applied by virtue of article 13(3) of and Schedule 4 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 ([S.I. 2010/630 \(C.42\)](#)).

(6) The North Western and North Wales Sea Fisheries Committee was dissolved, in relation to Wales, on 1 April 2010 when article 3 of the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 ([S.I. 2010/630 \(C.42\)](#)) brought into force section 187 of the Marine and Coastal Access Act 2009 (c. 23), with the effect of repealing the Sea Fisheries Regulation Act 1966 (c. 38).

(7) [S.I. 2010/630 \(C.42\)](#).