WELSH STATUTORY INSTRUMENTS

2003 No. 3035 (W.283)

SEA FISHERIES, WALES

CONSERVATION OF SEA FISH

The Shrimp Fishing Nets (Wales) Order 2003

Made - - - -	*26th November 2003*
Coming into force - -	*30th November 2003*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 5(1) and 15(3) of the Sea Fish (Conservation) Act 1967(**1**), hereby makes the following Order:

Title, commencement and application

1.—(1) This Order is called the Shrimp Fishing Nets (Wales) Order 2003 and comes into force on 30th November 2003.

(2) This Order applies to Wales(**2**).

Interpretation

2.—(1) 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(**3**) or is

(**1**) 1967 c. 84. Section 5(1) was substituted by the Fisheries Act 1981 (c. 29), section 22(1). Section 15(3) was substituted by the Sea Fisheries Act 1968 (c. 77) section 22(1), Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c. 86) section 9(1), Schedule 2, paragraph 16(1) and S.I.1999/1820, Article 4, Schedule 2, paragraph 43(2)(b). *See* section 22(2)(a) for definitions of "the Ministers" for the purposes of sections 5 and 15(3); section 22(2) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b) and (c) and by S.I. 1999/1820, Article 4, paragraph 43(12) of Schedule 2. By virtue of article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) functions exercisable under the 1967 Act were transferred to the National Assembly in so far as exercisable in relation to Wales (defined in section 155(1) of the Government of Wales Act 1998 (c. 38) as including "the sea adjacent to Wales out as far as the seaward boundary of the territorial sea"); in respect of waters beyond Wales these functions remain exercisable by the Ministers. Article 3(1) and Schedule 1 of the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592) provide for the functions exercisable under sections 5 and 15(3) of the 1967 Act to be exercised by the Ministers, concurrently with Scottish Ministers, in relation to: relevant British fishing boats within the Scottish zone; and, Scottish fishing boats within British fishery limits but outside the Scottish zone. By virtue of article 2(1) of the Transfer of Functions (Agriculture and Fisheries) Order 2000 (S.I. 2000/1812) any remaining functions of the Secretaries of State for Scotland and Wales under sections 5 and 15(3) of the 1967 Act were transferred to the Minister of Agriculture, Fisheries and Food, and in turn (together with other functions) to the Secretary of State by S.I. 2002/794.

(**2**) Including "the sea adjacent to Wales out as far as the seaward boundary of the territorial sea" (section 155 (1) of the Government of Wales Act 1998 (p.38)) and in accordance with article 6 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and Schedule 3 to it, in relation to the Severn and Dee Estuaries.

(**3**) 1995 c. 21.

owned wholly by persons qualified to own British ships for the purposes of that part of that Act; and

"codend" ("*pen y cwd*") means the rearmost part of a net, being made up of one or more panels comprising pieces of netting of the same mesh size attached to one another along their sides in the long axis of the net by a lacing.

(2) For the purpose of this Order, the mesh of a net or netting shall be measured in accordance with Commission Regulation (EEC) No. 2108/1984 of 23rd July 1984 laying down detailed rules for determining the mesh size of fishing nets(**4**) as amended by Commission Regulation (EC) No. 2550/1997(**5**).

Prohibition on fishing for shrimps without a separator trawl or sorting grid

3. British fishing boats are prohibited from carrying or deploying a net, whose mesh measures between 16 and 31 millimetres unless —

(a) netting, the mesh of which measures at least twice that of the codend and nor more than 70 millimetres, is fitted across the entire cross-section of the net in such a way that —

(i) fish cannot reach the codend without first passing through the netting; and

(ii) there is a hole in the net through which all fish that do not pass through the netting are able to escape;

(b) a rigid grid, the spacing between the bars of which is no more than 20 millimetres is fitted across the entire cross-section of the net in such a way that —

(i) fish cannot reach the codend without first passing through the grid; and

(ii) there is a hole in the net through which all fish that do not pass through the grid are able to escape.

(c) no fish have been retained on board the boat; or

(d) where fish have been retained on board the boat, less than 60% by live weight of the total catch retained comprises common shrimps (*Crangon* spp.), Aesop shrimps (*Pandalus montagui*) or a combination of the two.

Powers of British Sea-fishery officers

4.—(1) For the purposes of enforcing this Order, a British sea fisheries officer may exercise the powers conferred by this article in relation to any British fishing boat to which this Order applies.

(2) The officer may go on board the boat, with or without persons assigned to assist in his or her duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) The officer may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him or her to be necessary for the purpose of enforcing this Order, and, in particular —

(a) may examine any fish on that boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to the officer to be necessary for facilitating the examination; and

(b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in that person's custody or possession and may take copies of any such document;

(**4**) OJ No. L194, 24.7.1984, p.22.
(**5**) OJ No. L349, 19.12.1997, p.1.