WELSH STATUTORY INSTRUMENTS

2003 No. 1855 (W.205)

SEA FISHERIES, WALES

CONSERVATION OF SEA FISH

The Prohibition of Fishing with Multiple Trawls (Wales) Order 2003

Made - - - -	*16th July 2003*
Coming into force - -	*1st August 2003*

The National Assembly for Wales, in exercise of the powers conferred by sections 5(1) and 15(3) of the Sea Fish (Conservation) Act 1967(**1**), and now vested in it(**2**)of all other powers enabling it in that behalf, hereby makes the following Order:

Title, commencement and application

1.—(1) This Order is called the Prohibition of Fishing with Multiple Trawls (Wales) Order 2003.

(2) This Order applies to Wales and comes into force on 1st August 2003.

(3) In this Order "Wales" has the same meaning as in section 155(1) of the Government of Wales Act 1998(**3**) and "Welsh waters" is to be construed accordingly.

(**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.

(**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.

(**3**) 1998 c. 38. Wales was defined in section 155(1) as including "the sea adjacent to Wales out as far as the seaward boundary of the territorial sea". Article 6 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and Schedule 3 to that Order deals with the application of that provision to Severn and Dee Estuaries.

Interpretation

2. In this Order —

"the Act" ("*y Ddeddf*") means the Sea Fish (Conservation) Act 1967;

"the Council Regulation" ("*Rheoliad y Cyngor*") means Council Regulation (EC) No. 850/98 dated 30th March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms(**4**) as corrected by Corrigendum to Annex XII of the Council Regulation(**5**) and amended by Council Regulation (EC) No. 308/1999(**6**), Council Regulation (EC) No. 1459/1999(**7**), Council Regulation (EC) No. 2723/1999(**8**), Council Regulation (EC) No. 812/2000(**9**) and Council Regulation (EC) No. 1298/2000(**10**);

"beam trawler" ("*treill-long drawst*") means a fishing boat which, in so far as it carries or uses nets, carries or uses only nets which are designed to be towed along the sea-bed and which have their mouth extended by a beam, bar or other rigid device;

"equivalent Order" ("*Gorchymyn cyfatebol*") means an Order applying to England, Northern Ireland or Scotland and made under section 5 of the Act, pursuant to Article 46 of the Council Regulation, which prohibits fishing by any trawl other than a single trawl;

"net" ("*rhwyd*") means a trawl, Danish Seine or similar towed net; and

"single trawl" ("*treillrwyd unigol*") means a single net towed by a two warp rig in which the net has a single bosom groundrope (the bosom being the central portion of the trawl between the lower wings), where the groundrope is attached to the towing rig at each wing-end only and does not have any further attachment, including bridles, wires or ropes, connecting it to the said towing rig;

and any other corresponding expression used in the Council Regulation has the same meaning in this Order as in that Regulation.

Prohibition of method of fishing

3.—(1) Subject to paragraph (2) below, fishing by any British fishing boat in Welsh waters with any trawl other than a single trawl is prohibited.

(2) Paragraph (1) above does not apply —

(a) to any beam trawler;

(b) to fishing with a trawl having a mesh size of not less than 80 millimetres.

Powers of British sea-fishery officers in relation to fishing boats

4.—(1) For the purpose of the enforcement of this Order or any equivalent Order, a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) of this article in relation to any British fishing boat in Welsh waters.

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

(**4**) OJ No. L125, 27.4.98, p.1.
(**5**) OJ No. L318, 27.11.98, p.63.
(**6**) OJ No. L038, 12.2.99, p.6.
(**7**) OJ No. L168, 3.7.99, p.1.
(**8**) OJ No. L328, 22.12.99, p.9.
(**9**) OJ No. L1000, 20.4.2000, p.3.
(**10**) OJ No. L148, 22.6.2000, p.1.