
STATUTORY INSTRUMENTS

2010 No. 2915 (W.240)

SEA FISHERIES, WALES

**The Sea Fish (Specified Area) (Prohibition
of Fixed Engines) (Wales) Order 2010**

<i>Made</i>	- - - -	<i>7 December 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>9 December 2010</i>
<i>Coming into force</i>	- -	<i>1 January 2011</i>

The Welsh Ministers, in exercise of the powers conferred on them by section 5(1) and (9) of the Sea Fish (Conservation) Act 1967⁽¹⁾, make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Sea Fish (Specified Area) (Prohibition of Fixed Engines) (Wales) Order 2010 and it comes into force on 1 January 2011.

(2) This Order applies in relation to Wales.

Interpretation

2. In this Order—

“fixed engine” (*“offer gosod”*) includes—

- (a) a stake net, bag net, putt or putcher;
- (b) any fixed implement or engine for taking or facilitating the taking of fish;
- (c) any net secured by anchors and any net or other implement for taking fish fixed to the soil, or made stationary in any other way; and
- (d) any net placed or suspended in any inland waters or tidal waters unattended by the owner or a person duly authorised by the owner to use it for taking sea fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary;

“inland waters” (*“dyfroedd mewndirol.”*) has the meaning given in section 221(1) of the Water Resources Act 1991⁽²⁾;

“migratory trout” (*“brithyll mudo”*) means trout which migrate to and from the sea;

“salmon” (*“eog”*) includes any fish of the salmon species;

(1) 1967 c. 84. Section 5(1) and (9) are substituted by section 198 of the Marine and Coastal Access Act 2009 (c. 23).
(2) 1991 c. 57.

“sea fish” (“*pysgod môr*.”) means fish of any kind found in the sea, including shellfish, salmon and migratory trout;

“the specified area” (“*yr ardal benodedig*”) means any inland waters or tidal waters in Wales;

“tidal waters” (“*dyfroedd llanw*”) means any part of the sea or any part of a river within the ebb and flow of the tide at ordinary spring tides; and

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

Prohibition

3. Subject to article 4, fishing for sea fish with a fixed engine in the specified area is prohibited.

Exemptions

- 4.—(1) Article 3 does not apply to—
 - (a) a fixed engine, the placing and use of which is authorised by byelaws made by the Environment Agency or its predecessors; or
 - (b) a fixed engine, the placing and use of which is authorised by byelaws referred to in Article 13 of and Schedules 3, 4 and 5 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010(4); or
 - (c) a fixed engine which is a licensable means of fishing for the purposes of section 25 of the Salmon and Freshwater Fisheries Act 1975(5) and which is being used in accordance with a licence granted for the purposes of that section; or
 - (d) a fixed engine, the use of which has been authorised under section 27A of the Salmon and Freshwater Fisheries Act 1975.

Elin Jones

Minister for Rural Affairs, one of the Welsh
Ministers

7 December 2010

(3) 2006 c. 32.
(4) S.I. 2010/630 (c.42).
(5) 1975 c. 51.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in relation to Wales, prohibits the use of fixed engines when fishing for sea fish in the specified area, subject to certain exemptions.

Article 3 of this Order prohibits the use of fixed engines when fishing for sea fish in the specified area subject to the exemptions contained in article 4.

Article 4 sets out exemptions to the prohibition in article 3. The exemptions are specified fixed engines which are authorised in relation to fishing for sea fish.

A Regulatory Impact Assessment has not been prepared for this Order as no impact on the private or voluntary sectors is foreseen.