
WELSH STATUTORY INSTRUMENTS

2019 No. 507 (W. 117)

SEA FISHERIES, WALES

The Sea Fish Licensing (Wales) Order 2019

Made - - - - - *6 March 2019*
Laid before the National
Assembly for Wales - - - - - *7 March 2019*
Coming into force in accordance with article 1(1)

The Welsh Ministers in exercise of the powers conferred by sections 4(1) and (2), 4A, 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967(1) and now vested in them(2), make the following Order.

Title, commencement and application

1.—(1) This Order may be cited as the Sea Fish Licensing (Wales) Order 2019 and comes into force on exit day.

(2) This Order applies in relation to Wales, the Welsh zone and Welsh fishing boats wherever they may be.

Interpretation

2. In this Order –

“the baselines” (“*y gwaelodlinau*”) means the baselines established by the Territorial Sea (Baselines) Order 2014(3);

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- (1) [1967 c.84](#) (“the 1967 Act”); section 4 was substituted by section 3 of the Fishery Limits Act [1976 \(c.86\)](#) and amended by section 20 of the Fisheries Act [1981 \(c.29\)](#), section 1 of the Sea Fish (Conservation) Act [1992 \(c.60\)](#), sections 4, 196 and 197 of the Marine and Coastal Access Act [2009 \(c.23\)](#) and [S.I. 1999/1820](#). The definitions of “relevant British fishing boat” and “foreign fishing boat” are contained in section 4(12). Section 4A was inserted by section 21 of the Fisheries Act 1981 and amended by section 3 of the Sea Fish (Conservation) Act 1992, section 6 of the Marine and Coastal Access Act 2009 and [S.I. 1999/1820](#). Section 15 was amended by section 22, paragraph 38 of Schedule 1 and Part II of Schedule 2 to the Sea Fisheries Act [1968 \(c.77\)](#), section 25 of the Fisheries Act 1981, paragraph 15 of Schedule 2 to the Fishery Limits Act 1976, section 199 of the Marine and Coastal Access Act 2009. Section 20 was amended by section 21 of the Fisheries Act 1981 and section 7 of the Sea Fish (Conservation) Act 1992.
- (2) The functions of the Ministers under sections 4, 4A, 15(3), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales and then transferred from that body to the Welsh Ministers: see article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order ([S.I. 1999/672](#)) and paragraph 30 of Schedule 11 to the Government of Wales Act [2006 \(c. 32\)](#). So far as exercisable in relation to the Welsh zone, the functions of the Ministers under sections 4, 4A and 15(3) of the 1967 Act, were transferred to the Welsh Ministers by article 4(1)(b) of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 ([S.I. 2010/760](#)) on a concurrent basis. Those functions were further transferred, on a concurrent basis, in relation to Welsh fishing boats beyond the seaward limit of the Welsh zone by paragraph 2(1) of Schedule 3A to the Government of Wales Act 2006.
- (3) [S.I. 2014/1353](#).

“length” (“*hyd*”) in relation to a boat, means the length calculated in accordance with the rules specified in Article 2(1) of Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels;

“mile” (“*milltir*”) means an international nautical mile of 1,852 metres;

and

“Welsh fishing boat” (“*cwch pysgota Cymreig*”) means a fishing boat which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and the entry of which in the register specifies a port in Wales as the port to which the boat is to be treated as belonging.

“the Welsh zone” (“*parth Cymru*”) has the same meaning as in the Government of Wales Act 2006(4) (see section 158(1) and (3) of that Act).

Prohibition on Welsh fishing boats fishing without a licence and exceptions

3.—(1) Subject to paragraph (2), fishing by Welsh fishing boats (wherever they may be) is prohibited unless authorised by a licence granted by the Welsh Ministers.

(2) The prohibition in paragraph (1) does not apply to—

- (a) fishing for salmon or migratory trout;
- (b) fishing by any boat used wholly for the purpose of conveying persons wishing to fish solely for pleasure;
- (c) fishing in waters lying within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Mann and the Channel Islands respectively is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines adjacent to the United Kingdom and France respectively;
- (d) fishing for common eels (*Anguilla anguilla*) by any boat the length of which is not more than 10 metres; or
- (e) fishing by any boat the length of which is not more than 10 metres and which does not have an engine to power the boat.

Prohibition on fishing in the Welsh zone by non-British-owned Crown Dependencies fishing boats

4.—(1) Fishing in the Welsh zone by a fishing boat registered under the law of Jersey, Guernsey or the Isle of Man that is not British-owned is prohibited unless authorised by a licence granted by the Welsh Ministers.

(2) Paragraph (1) does not apply to fishing

- (a) for salmon or migratory trout;
- (b) for common eels (*Anguilla Anguilla*) by a boat whose length is 10 metres or less;
- (c) by a boat whose length is 10 metres or less and which does not have an engine to power the boat;
- (d) by a boat used wholly for the purpose of conveying persons wishing to fish for pleasure.

Prohibition on fishing in the Welsh zone by foreign fishing boats

5.—(1) Fishing in the Welsh zone by a foreign fishing boat is prohibited unless authorised by a licence granted by the Welsh Ministers.

(2) In paragraph (1), “foreign fishing boat” means a fishing boat that—

- (a) is not registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995⁽⁵⁾;
- (b) is not registered under the law of Jersey, Guernsey or the Isle of Man; and
- (c) is not British-owned⁽⁶⁾.

Revocations

6. In so far as they apply in relation to Welsh fishing boats, the instruments specified in the first column of the Schedule are revoked to the extent specified in the third column of the Schedule.

6 March 2019

Lesley Griffiths
Minister for Environment, Energy and Rural
Affairs, one of the Welsh Ministers

⁽⁵⁾ 1995 c.21.

⁽⁶⁾ See section 22(1) (as amended by paragraph 38(c) of Schedule 13 to the Merchant Shipping Act 1995 (c. 21) and S.I. 1999/1820) for the definition of “British-owned”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 6

Revocations

<i>Title</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Sea Fish Licensing Order 1992 ⁽¹⁾	S.I. 1992/2633	In so far as it applies to Welsh fishing boats
The Sea Fish Licensing (Variation) Order 1993(7)	S.I. 1993/188	In so far as it applies to Welsh fishing boats
The Sea Fish Licensing (Variation) (No.2) Order 1993	S.I. 1993/2291	In so far as it applies to Welsh fishing boats
The Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999	S.I. 1999/1820	Paragraph 150 of Schedule 2

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits, subject to exceptions, fishing by Welsh fishing boats (article 3) and fishing by Crown Dependency Boats within the Welsh zone (article 4) unless such boats are licensed by the Welsh ministers. It also prohibits fishing by foreign boats (article 5) within the Welsh zone unless those boats are so licensed.

Article 6 of the Order revokes the Sea fish Licensing Order 1992 ([S.I. 1992/2633](#)) and instruments which varied or amended it so far as they relate to Welsh fishing boats and fishing within the Welsh zone.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

(7) Varied by [S.I. 1993/188](#) and 2291 and amended by [S.I. 1999/1820](#).