

**2010 No. 2915 (W. 240)**

**SEA FISHERIES, WALES**

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

**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.

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**The Sea Fish (Specified Area)  
(Prohibition of Fixed Engines)  
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*Made* 7 December 2010

*Laid before the National  
Assembly for Wales*

9 December 2010

*Coming into force* 1 January 2011

The Welsh Ministers, in exercise of the powers conferred on them by section 5(1) and (9) of the Sea Fish (Conservation) Act 1967<sup>(1)</sup>, 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

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<sup>(1)</sup> 1967 c.84. Section 5(1) and (9) are substituted by section 198 of the Marine and Coastal Access Act 2009 (c.23).

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<sup>(1)</sup>;

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

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

“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<sup>(2)</sup>.

## 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<sup>(3)</sup>; 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<sup>(4)</sup>

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(1) 1991 c.57.

(2) 2006 c.32.

(3) S.I. 2010/630 (c.42).

(4) 1975 c.51.

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