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STATUTORY INSTRUMENTS

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**2010 No. 760**

**The Welsh Zone (Boundaries and  
Transfer of Functions) Order 2010**

**Functions which are to be concurrently exercisable**

5.—(1) The following functions of a Minister of the Crown, so far as exercisable in relation to the Welsh zone<sup>(1)</sup>, are exercisable by the Welsh Ministers concurrently with any Minister of the Crown by whom they are exercisable—

- (a) functions conferred or imposed by or under section 4 or 4A of the Sea Fish (Conservation) Act 1967<sup>(2)</sup>;
- (b) functions conferred or imposed by or under section 15(3) of that Act<sup>(3)</sup>;
- (c) functions conferred or imposed by or under section 5 of the Sea Fisheries Act 1968<sup>(4)</sup>, so far as relating to the identification and marking of fishing boats;
- (d) functions conferred or imposed by or under the British Fishing Boats Act 1983<sup>(5)</sup>.

(2) Subject to paragraph (3), functions conferred or imposed by or under any of the enactments mentioned in article 4 which—

- (a) are exercisable by a Minister of the Crown in relation to a cross-border body, but
- (b) by their nature are not functions that can be specifically exercised in relation to the Welsh zone,

are exercisable by the Welsh Ministers in relation to that body concurrently with the Minister of the Crown.

(3) Paragraph (2) does not apply in the case of functions which are exercisable by the Welsh Ministers “jointly” with a Minister of the Crown.

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- (1) So far as relating to Wales (including the sea adjacent to Wales out as far as the seaward boundary of the territorial sea), the functions in question are already concurrently exercisable by the Welsh Ministers and a Minister of the Crown. The National Assembly for Wales (Transfer of Functions) Order 1999 made these functions exercisable concurrently by the National Assembly for Wales and a Minister of the Crown, and the functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
  - (2) Section 4 was substituted by section 3 of the Fishery Limits Act 1976 and is amended by section 20 of the Fisheries Act 1981, section 1 of the [Sea Fish \(Conservation\) Act 1992 \(c. 60\)](#), paragraph 43 of Part 1 of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999, section 4(6) of the Marine and Coastal Access Act 2009 and, in relation to Scotland, by paragraph 3(a) of the Schedule to the Aquaculture and Fisheries (Scotland) Act 2007 ([2007 asp 12](#)). Section 4A was inserted by section 21(1) of the Fisheries Act 1981 and is amended by section 3 of the Sea Fish (Conservation) Act 1992 and paragraph 43 of Part 1 of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999.
  - (3) Section 15(3) was substituted by Part 2 of Schedule 1 to the Sea Fisheries Act 1968 and is amended by paragraph 16 of Schedule 2 to the Fishery Limits Act 1976 and paragraph 43 of Part 1 of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999.
  - (4) Section 5 is amended by section 4(2) of, and paragraphs 3(1) of Schedule 1 and 17 of Schedule 2 to, the Fishery Limits Act 1976, section 24(2) of the Fisheries Act 1981, Part 3 of Schedule 4 to the [Criminal Justice Act 1991 \(c. 53\)](#) and paragraph 48 of Part 1 of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999.
  - (5) [1983 c. 8](#).