
WELSH STATUTORY INSTRUMENTS

2001 No. 2019 (W. 140)

SEA FISHERIES, WALES

CONSERVATION OF SEA FISH

The Undersized Whiting (Revocation) (Wales) Order 2001

Made - - - - *17th May 2001*

Coming into force - - *1 June 2001*

The National Assembly for Wales makes the following Order in exercise of the powers conferred on it by sections 1, 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967⁽¹⁾, and of all other powers enabling it in that behalf:—

Title and commencement

1. This Order is called the Undersized Whiting (Revocation) (Wales) Order 2001 and shall come into force on 1st June 2001.

Revocation

2. The Undersized Whiting Order 1992⁽²⁾ is hereby revoked in relation to Wales as defined in section 155(1) of the Government of Wales Act 1998⁽³⁾.

(1) 1967 c. 84. Section 1 was substituted by the Fisheries Act 1981 (c. 29) section 19(1), and was amended by paragraph 38(a) of Schedule 13 to the Merchant Shipping Act 1995 (c. 21) and paragraph 43(2) and (3) of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820). Section 15(3) was substituted by the Sea Fisheries Act 1968 (c. 77) Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c. 86) Schedule 2, paragraph 16(1) and S.I. 1999/1820, paragraph 43(2)(b).

By virtue of article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under sections 1, 15(3) and 20(1) of the 1967 Act were transferred to the National Assembly in so far as exercisable in relation to Wales.

Wales was 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.

See section 22(2) of the 1967 Act for definitions of “the Ministers” for the purposes of sections 1 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, paragraph 43(12) of Schedule 2.

(2) S.I. 1992/1212. The Order was revoked by S.I. 2000/1234 except in so far as it formed part of the Law of Scotland or had effect in relation to Wales. It was further revoked in relation to Scotland by S.S.I. 2000/82.

(3) 1998 c. 38. (See definition in footnote (a) above.)

Status: This is the original version (as it was originally made).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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998.

17th May 2001

John Marek
The Deputy Presiding Officer of the National
Assembly

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order revokes the Undersized Whiting Order 1992 (“the 1992 Order”), which has already been revoked in relation to Scotland, England and Northern Ireland (article 2). The 1992 Order prescribed minimum sizes for the landing and sale in Great Britain, and for carriage on a British fishing boat, of whiting (*Merlangius merlangus*). It also made related provision for enforcement.

Minimum sizes for the landing, sale, transportation, storage and carriage of whiting are now prescribed by article 19 (read with article 17) of Council Regulation (EC) No. 850/98 (OJ No. L125, 27.04.98, p.1). That Regulation provides for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms. Provisions for the enforcement of restrictions and obligations contained in that Regulation have been laid down in the Sea Fishing (Enforcement of Community Conservation Measures) (Wales) Order 2000, which came into force on 11th September 2000. [2000 No. 2230 (W.148)].