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**2021 No. 368 (W. 113)**

**SEA FISHERIES, WALES**

**The Sea Fishing (Penalty Notices)  
(Wales) (Amendment) Order 2021**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Sea Fishing (Penalty Notices) (Wales) Order 2019 (S.I. 2019/363) (W. 86) (“the 2019 Order”) in consequence of amendments made by the Fisheries Act 2020 (c. 22) (“the 2020 Act”).

The 2019 Order creates a scheme for the issuing and payment of penalty notices for specified offences related to sea fishing (“penalty offences”).

The 2020 Act makes provision for access of foreign vessels to fisheries in Wales and the Welsh zone, and for the licensing of fishing vessels by the Welsh Ministers. It also revokes provisions in other legislation which governed those matters. This Order therefore updates the list of penalty offences contained in the 2019 Order by removing references to offence provisions which have been revoked by provisions in the 2020 Act and including references to the relevant new provisions.

The 2020 Act also provides the Welsh Ministers with powers to make orders relating to the exploitation of sea fisheries resources and provides that a breach of those orders is an offence. This Order therefore adds that offence to the list of penalty offences specified in the 2019 Order.

The Welsh Minister’s Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

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**2021 No. 368 (W. 113)**

**SEA FISHERIES, WALES**

**The Sea Fishing (Penalty Notices)  
(Wales) (Amendment) Order 2021**

*Made* 22 March 2021

*Laid before Senedd Cymru* 23 March 2021

*Coming into force* 14 April 2021

The Welsh Ministers, in exercise of the power conferred by section 294(1) of the Marine and Coastal Access Act 2009<sup>(1)</sup>, make the following Order.

**Title and commencement**

**1.**—(1) The title of this Order is the Sea Fishing (Penalty Notices) (Wales) (Amendment) Order 2021.

(2) This Order comes into force on 14 April 2021.

**Amendment of the Sea Fishing (Penalty Notices) (Wales) Order 2019**

**2.**—(1) The Sea Fishing (Penalty Notices) (Wales) Order 2019<sup>(2)</sup> is amended as follows.

(2) In the Schedule (offences related to sea fishing)—

- (a) in paragraph 2, omit sub-paragraph (d);
- (b) omit paragraph 4;
- (c) for paragraph 6 substitute—

**“6.** In the Marine and Coastal Access Act 2009, an offence under—

- (a) section 139(1)(b) (offence of contravening byelaws or orders)<sup>(3)</sup>, in

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(1) 2009 c. 23; see section 294(8) for the definition of “appropriate national authority”.

(2) S.I. 2019/363 (W. 86), amended by S.I. 2019/602 (W. 127).

(3) Section 139(1)(b) was amended by paragraph 23(2)(b) of Schedule 10 to the Fisheries Act 2020 (c. 22) (“the 2020 Act”).

so far as it relates to any order made under—

- (i) section 134A (orders relating to exploitation of sea fisheries resources: Wales)(1);
- (ii) section 134B (orders relating to exploitation of sea fisheries resources: Welsh offshore region)(2);
- (iii) section 136(1A) (interim orders)(3);
- (b) section 190 (offences)(4).”;
- (d) after paragraph 8 insert—

“**8A.** In the Fisheries Act 2020(5), an offence under—

- (a) section 12(3) (access to British fisheries by foreign fishing boats);
- (b) section 14(6) (British fishing boats required to be licensed);
- (c) section 16(6) (foreign fishing boats required to be licensed if within British fishery limits);
- (d) paragraph 1(4) of Schedule 3 (power to attach conditions to sea fishing licence).”

*Lesley Griffiths*

Minister for Environment, Energy and Rural Affairs,  
one of the Welsh Ministers  
22 March 2021

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(1) Section 134A was inserted by paragraph 17 of Schedule 10 to the 2020 Act.  
(2) Section 134B was inserted by paragraph 17 of Schedule 10 to the 2020 Act.  
(3) Section 136(1A) was inserted by paragraph 19(2) of Schedule 10 to the 2020 Act.  
(4) Section 190 was amended by S.I. 2015/664.  
(5) 2020 c. 22.