



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

WRITTEN STATEMENT BY THE WELSH ASSEMBLY GOVERNMENT

Title: Welsh Zone (Boundaries and Transfer of Functions) Order 2010
Date: 31 March 2010
By: Elin Jones, Minister for Rural Affairs

On 17th March 2010, the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 ("the Order") was made by Her Majesty in Council under section 58 of the Government of Wales Act 2006. The Order specifies the boundaries of the Welsh Zone and vests a number of functions (previously exercisable by UK Ministers) connected with fishing, fisheries and fish health with the Welsh Ministers. The Order comes into force on 31st March 2010.

The aim of the Welsh zone is to enable a more rationalised, efficient and coherent management of fisheries off the Welsh coast in line with the vision outlined in the Wales Fisheries Strategy.

The Welsh Ministers already have a number of functions connected with fishing, fisheries and fish health within the territorial sea adjacent to the landmass of Wales (i.e. within "Wales" as defined by the Government of Wales Act 2006). Functions connected with fishing, fisheries and fish health outside the 12 nautical miles of territorial sea adjacent to Wales but within British fishery limits were previously exercisable solely by the UK Government. This Order vest the functions in the Welsh Ministers outside of the territorial sea. The functions of the Welsh Ministers inside the territorial sea are unaffected. The creation of the Welsh zone will simplify the jurisdiction, better reflect practical realities and enable the more effective management of fisheries off the Welsh coast. The Welsh zone will also put the Welsh Ministers in a similar position to the other devolved administrations as there are already corresponding Scottish and Northern Ireland Zones.

Boundaries of the Welsh zone

The northern boundary of the zone starts in the Dee estuary extending in a north westerly direction into the Irish Sea (following the existing boundary delineated between Wales and England for the purposes of the definition of “Wales” in the Government of Wales Act 2006). Outside that estuary it follows a simplified median line which is equidistant between England and Wales, until it meets the seaward limit of the territorial sea of the Isle of Man on its south coast. It then follows that limit in a westerly direction to the point where it meets the boundary of the Northern Ireland zone. Finally, the northern boundary follows the boundary of the Northern Ireland zone in a southerly direction until it meets British fishery limits.

In the Irish and Celtic Seas, the boundary of the Welsh zone follows British fishery limits, which is the median line between the UK and the Republic of Ireland, i.e. the line that is equidistant from the baselines of the UK and the Republic of Ireland. The boundary of the Welsh zone follows that median line between the northern and southern boundaries specified by reference to coordinates in the Order.

The southern boundary of the Welsh zone starts in the Severn estuary extending in a westerly direction into the Bristol Channel (similarly following the existing boundary delineated between Wales and England for the purposes of the definition of “Wales” in the Government of Wales Act 2006). Outside that estuary it follows a simplified median line which is equidistant from England and Wales until it reaches British fishery limits.

The transfer of functions

The functions are to be vested in the Welsh Ministers on the same basis that they are exercisable by the Welsh Ministers at present in the territorial sea adjacent to Wales. The functions to be transferred include powers under the Sea Fish (Conservation) Act 1967, the principal Act used for the regulation of commercial fishing throughout Wales. It includes the power to restrict fishing for sea fish, including regulating the fishery for a specific species, at a specific time or a specific location; regulating the size of the fish which can be caught or landed and the methods by which that fishing is undertaken. The Welsh Ministers will also, under the Fisheries Act 1981, be able to make provision for the enforcement of EU restrictions and obligations relating to sea fish.

The duty on Welsh Ministers under the Sea Fisheries (Wildlife Conservation) Act 1992, to have regard to the conservation of marine flora and fauna in discharging functions under sea fisheries legislation will also be extended to cover the whole of the zone.

While most functions are being transferred entirely to the Welsh Ministers, in cases where a function is at present exercisable concurrently with UK Ministers in the territorial sea, it will also be exercisable on a concurrent basis in the rest of the Welsh zone. These concurrent functions are listed in article

5, and include further functions under the Sea Fish (Conservation) Act 1967 in relation to the licensing of fishing vessels. Also included are powers under the Sea Fisheries Act 1968 to regulate the conduct of sea fishing operations so far as relating to the identification and marking of fishing boats. And finally functions under the British Fishing Boats Act 1983 relating to the qualification for British fishing boats to be used in fishing, transshipment and landing of sea fish.

Financial Implications

There are no significant issues in respect of costs relating to this Transfer of Functions Order. Enforcement of fisheries legislation in the area of the Welsh zone beyond the territorial sea is already undertaken by the Royal Navy which is funded on a proportional basis dictated by the size of fishing fleet administered and not the size of area under jurisdiction, this situation will continue.