

STATUTORY INSTRUMENTS

2007 No. 857

SEA FISHERIES, ENGLAND

CONSERVATION OF SEA FISH

The Undersized Bass (Revocation) Order 2007

Made

15th March 2007

Laid before Parliament

15th March 2007

Coming into force

5th April 2007

The Secretary of State for Environment, Food and Rural Affairs makes this Order in exercise of the powers conferred by—

(a)

section 1(1), (2) and (6) of the Sea Fish (Conservation) Act 1967⁽¹⁾; and

(b)

sections 1(3) and (6), 3(1) and (2), 15(3)⁽²⁾ and 20(1) of that Act, acting jointly with the Secretary of State for Northern Ireland⁽³⁾.

1. This Order—

(a) may be cited as the Undersized Bass (Revocation) Order 2007;

(b) revokes the Undersized Bass Order 2007⁽⁴⁾;

(c) revives the Undersized Bass Order 1989⁽⁵⁾ in relation to England;

(d) comes into force on 5th April 2007.

Ben Bradshaw

Minister of State

Department for Environment, Food and Rural Affairs

15th March 2007

Paul Goggins

Parliamentary Under Secretary of State Northern Ireland Office

15th March 2007

EXPLANATORY NOTE
(This note is not part of the Order)

This Order revokes the Undersized Bass Order 2007 (S.I. 2007/809).

A full regulatory impact assessment of the effect that that instrument would have had on the costs of business and the voluntary sector is available from Defra Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR.

(1)

1967 c. 84. [Back \[1\]](#)

(2)

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, Schedule 2, paragraph 43(2)(b). [Back \[2\]](#)

(3)

See section 22(2) of the Sea Fish (Conservation) Act 1967 for definitions of “the Ministers” for the purposes of sections 1, 3 and 15(3). This section was amended by the Fisheries Act 1981, sections 19, 45 and 46 and by S.I. 1999/1820, paragraph 43(12) of Schedule 2. By virtue of article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), functions exercisable under the 1967 Act were transferred (concurrently in respect section 15(3)) to the National Assembly in so far as exercisable in relation to Wales. Section 53 of the Scotland Act 1998 (c. 46), as read with article 3(1) of, and Schedule 1 to, the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592) provide for the functions exercisable under sections 1(3) and (6), 3(1) and 15(3) of the 1967 Act to be exercised by the Ministers, concurrently with Scottish Ministers, in relation to relevant British fishing boats within the Scottish zone and Scottish fishing boats within British fishery limits outside the Scottish zone. Any remaining functions of the Secretaries of State for Scotland and Wales were transferred to the Minister of Agriculture, Fisheries and Food by article 2(1) of, and the Schedule to, the Transfer of Functions (Agriculture and Fisheries) Order 2000 (S.I. 2000/1812). By virtue of paragraph 3(1)(a) and (b) of Schedule 1 to the Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002/790), the functions of the Ministers under sections 1(3) and 3 of the 1967 Act were transferred to the Department of Agriculture and Rural Development, but, by virtue of paragraph 3(2), Ministers retain a concurrent function to make an order in relation to British fishing boats, other than Northern Ireland fishing boats, within the Northern Ireland zone and in relation to Northern Ireland fishing boats within British fishery limits but outside the Northern Ireland zone. The functions of the Minister of Agriculture, Fisheries and Food and a named Secretary of State acting jointly were transferred to the Secretary of State for Environment, Food and Rural Affairs and the named Secretary of State acting jointly by article 2(5) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). [Back \[3\]](#)

(4)

S.I. 2007/809. [Back \[4\]](#)

(5)

S.I. 1989/1285. [Back \[5\]](#)