

2009 No. 1266

WATER RESOURCES, ENGLAND AND WALES

**The Surface Waters (Shellfish) (Classification) (Amendment)
Regulations 2009**

<i>Made</i> - - - -	<i>19th May 2009</i>
<i>Laid before Parliament</i>	<i>22nd May 2009</i>
<i>Laid before the National Assembly for Wales</i>	<i>22nd May 2009</i>
<i>Coming into force</i> - -	<i>1st July 2009</i>

The Secretary of State in relation to England and, with the agreement of the Welsh Ministers, as respects those parts of Wales within the catchment areas of the rivers Dee, Wye and Severn, and the Welsh Ministers as respects the remainder of Wales, in exercise of the powers conferred by sections 82 and 219(2) of the Water Resources Act 1991(a), and the Secretary of State in exercise of the powers conferred by section 102 of that Act make the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Surface Waters (Shellfish) (Classification) (Amendment) Regulations 2009 and come into force on 1 July 2009.

Amendment of the Surface Waters (Shellfish) (Classification) Regulations 1997

2. In the Surface Waters (Shellfish) (Classification) Regulations 1997(b), for “Directive 79/923/EEC”, wherever occurring, substitute “Directive 2006/113/EC(c)”.

(a) 1991 c. 57. The functions of the Secretary of State, in relation to Wales, under section 82 of this Act (except in relation to those parts of Wales which are within the catchment areas of the rivers Dee, Wye and Severn) and section 219(2) were transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the 1999 Order”). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32). By virtue of article 5 of and Schedule 2 to the 1999 Order, and section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006, the functions of the Secretary of State under section 82 of this Act are exercisable only with the agreement of the Welsh Ministers in relation to those parts of Wales which are within the catchment areas of the rivers Dee, Wye and Severn.

(b) S.I. 1997/1332.

(c) OJ No L 376, 27.12.2006, p 14.

19th May 2009

Jane Davidson
Minister for Environment, Sustainability and Housing
One of the Welsh Ministers

19th May 2009

Huw Irrance-Davies
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Surface Waters (Shellfish) (Classification) Regulations 1997 (S.I. 1997/1332) to reflect the codification of Council Directive 79/923/EEC and its amendments into a single text now contained in Directive 2006/113/EC of the European Parliament and of the Council.

No impact assessment has been produced for this instrument as no impact on business or the voluntary sector is foreseen.