

Explanatory Memorandum to The Mumbles Oyster Fishery Order 2013

This Explanatory Memorandum has been prepared by the Sustainable Futures department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of **The Mumbles Oyster Fishery Order 2013**

Alun Davies AM

Minister for Natural Resources and Food

11 August 2013

1. Description

1.1 This Order confers on the Grantee a right of several fishery for native oysters (*Ostrea edulis*) over an area of approximately 35 hectares in Swansea Bay which is in the vicinity of the Mumbles for a period of 15 years

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

2.1 Pursuant to section 20 of the 1967 Act, the power to make the Order under section 1 is exercisable by statutory instrument which will be subject to annulment in pursuance of a resolution of either Houses of Parliament.

2.2 This Several Order is laid during recess so as to ensure a coming into force date early-mid September is achieved. It is considered that there are strong policy and practical reasons for laying this Order during recess.

3. Legislative background

3.1 The Order is made under Section 1 of the Sea Fisheries (Shellfish) Act 1967 (c83) ("the 1967 Act").

3.2 Section 1(1) of the 1967 Act provides that the Appropriate Minister may, on application, provide by order for the establishment or improvement, and for the maintenance and regulation, of a fishery for shellfish of any kind specified in the order. The order can cover any portion of the sea shore and bed or estuary or tidal river within 6 nautical miles of the baselines.

3.3 The functions of the Appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672 article 2, Schedule 1). Those functions have since been transferred to the Welsh Ministers by virtue of section 162 in paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

4. Purpose & intended effect of the legislation

4.1 The site in question is a former historic oyster bed which has been disused since the 1920's. This will be a private commercial venture; however it will restore the native oyster (a Biodiversity Action Plan species) to this part of Wales. If successful it should benefit the local ecosystems and provide valuable scientific information regarding this species re-introduction to this part of Wales.

4.2 The new Order will confer on the Grantee a right of several fishery for the cultivation of native oysters within an area of approximately 35 hectares near

the Mumbles in Swansea Bay for a period of 15 years from 10 September 2013.

5. Consultation

5.1 The Welsh Ministers, in accordance with the procedure prescribed in paragraph 1 of Schedule 1 to the 1967 Act, prepared a draft order and served a copy of it on the Applicant. Further, the Applicant caused printed copies of that draft order to be published and circulated and gave notice of the application in accordance with the requirements of paragraph 2 of Schedule 2 to the 1967 Act.

5.2 No objections to the making of the Order were received.

6. Regulatory Impact Assessment (RIA)

6.1 No RIA has been completed because no significant impact is foreseen to the interests of any individual, group or organisation, as a result of the making of this several order. There has been no impact on the statutory provisions outlined in the Government of Wales Act 2006 (c32) sections 77-79 or the statutory partners, sections 72-75 of the 2006 Act.