



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

**ADRODDIAD GAN Y PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE REPORT**

**The Shellfish (Specified Sea Area) (Prohibition of Fishing Methods) (Wales) Order  
2003**

This prohibits the use of hydraulic dredging to recover bivalve molluscs in Carmarthen Bay.

**Standing Order 11.5**

The Assembly is invited to pay special attention to a drafting defect in article 4(1) which has been acknowledged on behalf of the Minister.

Article 4(1) provides for the enforcement powers in paragraphs (2) to (4) to be exercisable within “the territorial sea adjacent to Wales”.

This means that, contrary to what may be assumed to have been intended, these powers are not exercisable within “internal waters” such as ports, bays and estuaries, which exist between the coast and the baselines from which the territorial sea is delimited.

This omission could have been avoided by using the wording which the Government of Wales Act employs for the definition of “Wales” in section 155(1) –

“the sea adjacent to Wales out as far as the seaward boundary of the territorial sea”.

The Assembly may thus wish to consider making an amendment order.

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Mick Bates AM  
**Chair, Legislation Committee**

25 March 2003