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STATUTORY INSTRUMENTS

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**1998 No. 1212**

**SEA FISHERIES**

**The Kent and Essex Sea Fisheries  
District (Variation) Order 1998**

*Made - - - - 6th May 1998*

*Coming into force in accordance with article 1(1)*

The Minister of Agriculture, Fisheries and Food, on the application of the local fisheries committee for the Kent and Essex Sea Fisheries District and after consultation with every council concerned, in exercise of the powers conferred on him by sections 1 and 18(1) of the Sea Fisheries Regulation Act 1966(1) and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has lain before Parliament for forty days prior to its being made:

**Title, commencement and interpretation**

1.—(1) This Order may be cited as the Kent and Essex Sea Fisheries District (Variation) Order 1998 and shall come into force on the day after the day on which it is made.

(2) In this Order “the principal order” means the order made by the Board of Trade on 5 May 1890(2) (which created the Kent and Essex Sea Fisheries District and constituted a local fisheries committee for the regulation of the sea fisheries within that district).

**Variation of the principal order**

2.—(1) For article 1 of the principal order (Creation of District) there shall be substituted the following:—

**“Creation of District**

1. A sea fisheries district is hereby created comprising so much of the sea within the national waters of the United Kingdom adjacent to England and so much of the sea within six nautical

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(1) 1966 c. 38, amended by the Local Government Act 1985 (c. 51) section 16 and Schedule 8, paragraph 19; see section 20(1) for the definition of “the Minister”. References in the 1966 Act to county councils and metropolitan district councils should be read with regulation 5, paragraphs (6) and (7) of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) to which the only relevant amending instrument is S.I. 1996/611; for the structural changes made in the area covered by the Kent and Essex Sea Fisheries District, see S.I. 1996/1875 and 1996/1876. References in the same Act to a river authority should be read with the Water Act 1973 (c. 37) section 33, the Water Act 1989 (c. 15) section 141 and Schedule 7, paragraph 1, and the Environment Act 1995 (c. 25) section 105 and Schedule 15, paragraph 2.

(2) Parliamentary Papers 1890 No. 159 as varied by S.I. 1973/2198, 1980/810, 1990/1157, 1993/2532 and 1995/1474.

miles of the baselines (as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964<sup>(3)</sup>, as amended by the Territorial Waters (Amendment) Order in Council 1979<sup>(4)</sup>) from which the breadth of the territorial sea of the United Kingdom adjacent to England is measured, with the adjoining coast, as lies within the following limits, namely: on the north, commencing at the point at which a line drawn seaward along the northern edge of the causeway situated opposite Lower Marine Parade at Dovercourt in the county of Essex intersects the line of mean low water (latitude 051 degrees 55.76 minutes north, longitude 001 degree 16.90 minutes east), a line drawn seaward on a bearing of 100 degrees true to the limit of the district above described, and a line drawn northwards from the said intersection along the boundary of the administrative county of Essex to its intersection with a line drawn across the River Stour along the seaward side of the railway bridge at Catterwade (latitude 051 degrees 57.06 minutes north, longitude 001 degree 03.49 minutes east) (being the southern boundary of the Eastern Sea Fisheries District); and, on the south, a line drawn true south-east from the old lighthouse at Dungeness (latitude 050 degrees 54.80 minutes north, longitude 000 degrees 58.26 minutes east), in the county of Kent (being the eastern boundary of the Sussex Sea Fisheries District).

The sea fisheries district shall not extend above a line drawn at or near the mouth of every river or stream flowing into the sea, or into any estuary, within the limits of the said district, as follows:

A line drawn across the River Stour, in the county of Kent, in continuation of a line drawn on a bearing of 090 degrees true from the chimney of the Richborough Power Station (latitude 051 degrees 18.57 minutes north, longitude 001 degree 20.88 minutes east) to the river;

A line drawn across the River Medway, on a bearing of 300 degrees true from Garrison Point (latitude 051 degrees 26.82 minutes north, longitude 000 degrees 44.97 minutes east) through the Grain Tower (latitude 051 degrees 27.07 minutes north, longitude 000 degrees 43.97 minutes east) to the point of mean high water springs on the shore of the Isle of Grain;

A line drawn across the River Thames, from the Waterman's Stone at Lower Hope Point (latitude 051 degrees 28.90 minutes north, longitude 000 degrees 28.20 minutes east) in the county of Kent to the south eastern end of the tidal barrier at the mouth of Mucking Creek (latitude 051 degrees 29.98 minutes north, longitude 000 degrees 26.87 minutes east) in the county of Essex, and continued on either side of the river to the point of mean high water springs;

A line drawn across the River Colne, on a bearing of 248 degrees true from Colne Point (latitude 051 degrees 46.11 minutes north, longitude 001 degree 02.70 minutes east) to the Fishery Buoy, thence on a bearing of 341 degrees true to the Mersea Stone on Mersea Island (latitude 051 degrees 47.92 minutes north, longitude 001 degree 00.46 minutes east);

A line drawn across every river or stream not hereinbefore specified, such line being drawn at the limit of mean high water springs.

The district moreover shall not extend into:

- (i) the River Medway through the channel of the Swale beyond a line drawn on a bearing of 097 degrees true from the northernmost point of Deadmans Island (latitude 051 degrees 25.40 minutes north, longitude 000 degrees 43.79 minutes east) (Swale Ness) to Queenborough Point in the Isle of Sheppey; or

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(3) See S.I. 1965 III p. 6542A.

(4) See S.I. 1979 II p. 2866.

- (ii) the Pyefleet Channel from the Strood Channel beyond a line drawn along the western side of the causeway known as “The Strood” and carrying the B1025 road to Mersea Island (from latitude 051 degrees 48.05 minutes north, longitude 000 degrees 55.03 minutes east to latitude 051 degrees 47.69 minutes north, longitude 000 degrees 55.39 minutes east).

In respect of the rivers and streams above the lines beyond which the sea fisheries district does not extend, the Environment Agency shall within its area have the powers of a local fisheries committee except that in respect of the River Thames that Agency shall not have those powers above a line drawn across the Thames from a stone pillar erected at grid co-ordinates TO 16361 71912 on the Surrey bank by the Port of London Authority and the Thames Conservators to the nearest point of mean high water level on the Middlesex bank.

The sea fisheries district hereby created shall be called the Kent and Essex Sea Fisheries District.”.

- (2) For article 2 of the principal order (Constitution of Committee), there shall be substituted the following:—

“2. A local fisheries committee (in this Order called “the Committee”) shall be constituted for the regulation of the sea fisheries within the said district. The Committee shall be a joint committee of the Councils referred to in column 1 of the Schedule to this Order and shall consist of twenty-two members. The number of members appointed by each constituent Council shall be the number which is set out in column 2 of the Schedule hereto opposite the reference to that Council. Nine additional members shall be appointed by the Minister of Agriculture, Fisheries and Food and one additional member by the Environment Agency.”.

- (3) For the schedule to the principal order there shall be substituted the schedule set out in the Schedule to this Order.

6th May 1998

*Elliot Morley*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**SCHEDULE**

Article 2(3)

**“SCHEDULE**

Articles 2 and 12

**(CONSTITUTION AND EXPENSES)**

Column 1 Constituent Council	Column 2 Number of representatives	Column 3 Proportion of expenses(per cent)
Kent County Council	5	43
Essex County Council	4	41.25
Medway Towns Council	1	7
Southend-on-Sea Borough Council	1	5
Thurrock Borough Council	1	3.75”

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order clarifies the description of the limits of the Kent and Essex Sea Fisheries District (created and defined in 1890 by order of the Board of Trade under the Sea Fisheries Regulation Act 1888 (c. 54)) by specifying co-ordinates to assist in the location of particular points of reference (article 2(1)).

The Order also varies the constitution of the local fisheries committee, originally constituted under the 1890 order, to take account of the changes made to the structure of local government in England under the Local Government Act 1992 (c. 19) and, in particular, under the Kent (Borough of Gillingham and City of Rochester upon Medway) (Structural Change) Order 1996 (S.I. 1996/1876) and the Essex (Boroughs of Colchester, Southend-on-Sea and Thurrock and District of Tendring) (Structural, Boundary and Electoral Changes) Order 1996 (S.I. 1996/1875). Provision is made for an increase in the total number of representatives on the committee to twenty-two and for other minor amendments to article 2 of the 1890 order (article 2(2)). Since the number and size of the constituent councils has altered, the number of representatives from each council and their proportionate contributions to the expenses of the committee have also been revised (article 2(3) and Schedule).