
STATUTORY INSTRUMENTS

1995 No. 1474

SEA FISHERIES

**The Kent and Essex Sea Fisheries
District (Variation) Order 1995**

Laid before Parliament in draft

Made - - - - 23rd May 1995

Coming into force - - 24th May 1995

The Minister of Agriculture, Fisheries and Food, for the purposes of articles 2 and 3 of the following Order, in exercise of the powers conferred on him by section 86(1)(b) of the Port of London Act 1968(1), and with the consent of the Secretary of State for Transport(2), and, on the application of the local fisheries committee for the Kent and Essex Sea Fisheries District, and after consultation with every county council concerned, in exercise of the powers conferred on the Minister by sections 1 and 18(1) of the Sea Fisheries Regulation Act 1966(3), 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 1995 and shall come into force on 24th May 1995.

(2) In this Order—

“the principal Order” means the Order made by the Board of Trade on 5th May 1890(4) 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;

“the Mucking Creek line” means a line drawn across the River Thames, from Waterman’s Stone at Lower Hope Point in the County of Kent to the south eastern end of the tidal barrier at the mouth of Mucking Creek in the County of Essex;

“the Yantlet line” has the meaning assigned thereto by section 2(1) of the Port of London Act 1968.

(1) 1968 c. XXXII; section 86(3) provides that an Order under section 86 shall be treated as if it were an amending Order made under the Sea Fisheries Regulation Act 1966.
(2) Section 86(1) of the 1968 Act is to be read with the Transfer of Functions (Transport) Order 1981 (S.I. 1981/238), article 2(1).
(3) 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”.
(4) Parliamentary Papers 1890 No. 159; the relevant amending instruments are S.I. 1980/810, 1993/2532.

Extension of the Kent and Essex Sea Fisheries District

2.—(1) For the purpose of extending the Kent and Essex Sea Fisheries District westward of the Yantlet line to the Mucking Creek line, the principal Order shall be amended as provided in paragraph (2) below.

(2) In article 1, for the paragraph beginning with the words “A line drawn across the River Thames” there shall be substituted the following paragraph—

“A line drawn across the River Thames, from the Waterman’s Stone at Lower Hope Point (latitude 51 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 51 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;”.

Exclusion of powers of the Port of London Authority

3. The part of the River Thames to which the Kent and Essex Sea Fisheries District is extended by article 2 above is hereby excluded from the area within which the powers of the Port of London Authority with respect to fish may be exercised.

Powers of the National Rivers Authority

4. In article 1 of the principal Order, for the paragraph beginning with the words “In respect of the rivers and streams” there shall be substituted the following paragraph—

“In respect of the rivers and streams above the lines beyond which the sea fisheries district does not extend, the National Rivers Authority shall have the powers of a local fisheries committee except that in respect of the River Thames that Authority shall not have those powers above a line drawn across the Thames from a stone pillar erected at grid co-ordinates TQ 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.”.

Ministry of Agriculture,
Fisheries and Food
23rd May 1995

Michael Jack
Minister of State,

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Order made by the Board of Trade on 5th May 1890 which created the Kent and Essex Sea Fisheries District.

The Sea Fisheries District is extended to include the River Thames from the Yantlet line upstream to the Mucking Creek line (article 2).

The Order provides that the powers of the Port of London Authority with respect to fish shall be excluded from the part of the river which is included in the Sea Fisheries District by virtue of article 2 (article 3).

The Order confers on the National Rivers Authority the powers of a local sea fisheries committee in respect of the rivers and streams above the lines beyond which the Sea Fisheries District does not extend (article 4).