
STATUTORY INSTRUMENTS

1996 No. 197

**The Newlyn Pier and Harbour (Revision of
Constitution of Commissioners) Order 1996**

Revision of provisions relating to the Boat-owners Commissioners

4.—(1) Any person who, immediately before the date on which this Order comes into force, is a Boat-owner Commissioner elected pursuant to the Principal Order shall be treated on or after such date for the remainder of the period for which he would, under the terms of the Principal Order, have held office, as if he had been elected as a Boat-owners Commissioner pursuant to this article.

(2) The provisions of the Principal Order relating to the Boat-owners Commissioners shall be revised in accordance with the provisions of paragraphs (3) to (10) below and references to the Boat-owners Commissioners in the Principal Order shall be deemed to be references to Boat-owners Commissioners elected pursuant to this article.

(3) The clerk shall maintain a register (in this article referred to as “the boat owner register”) of those persons who have notified him of the fact that they fulfil the conditions set out in paragraph (4) below.

(4) The conditions referred to in paragraph (3) above are that the person—

- (a) is resident within the District and has been so for a period of at least six months;
- (b) is the registered owner of a fishing boat which is registered as a fishing vessel pursuant to the Merchant Shipping (Registration of Ships) Regulations 1993⁽¹⁾ and provided that, if there is more than one registered owner which fulfills the other conditions of this paragraph, the registered owner whose name appears first on the register shall be the registered owner for the purposes of this article;
- (c) from time to time lands fish from the fishing boat referred to in paragraph (4)(b) above at the harbour;
- (d) is not in default to the Commissioners in respect of any ship, passenger and goods dues; and
- (e) is 18 or more years of age.

(5) A person who ceases to fulfil the conditions set out in paragraph (4) above shall notify the fact to the clerk who shall remove that person from the boat owner register.

(6) Any person may notify the clerk that another person is not entitled to be on or remain on the boat owner register.

(7) Any question as to whether a person is entitled to be or remain on the boat owner register shall be determined by the Commissioners, other than the Fish Merchant Commissioner, but before making any determination, they shall give notice to such person of their intention to determine a question and consider any representations he may make to them within such reasonable time as they may allow.

(8) The clerk shall be informed of the determination made pursuant to paragraph (7) above and shall amend the register accordingly.

(1) S.I. 1993 No. 3138.

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

(9) Subject to paragraph (10) below, the provisions of the Schedule to this Order shall apply to the election of the Boat-owners Commissioners.

(10) In this article and in the Schedule to this Order—

- “voter” means a person who appears on the boat owner register on the qualification day;
- “the qualification day” means the day which commences four calendar months before the commencement of the election day;
- “the election day” means the first Monday in November in an election year;
- “the relevant number” means three.