
STATUTORY INSTRUMENTS

1996 No. 197

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

Election of Fish Merchant Commissioner

5.—(1) The clerk shall maintain a register (in this article referred to as “the fish merchant register”) of those persons who have notified him of the fact that they fulfil the conditions set out in paragraph (2) below.

(2) The conditions referred to in paragraph (1) above are that the person is resident within the District and has been so for a period of at least six months and either—

- (a) (i) purchases fish landed at the harbour in the ordinary course of trade;
- (ii) has purchased at least 2% of the total value of fish which has been both landed and sold at the harbour during the previous 12 months; and
- (iii) has deposited records which prove that sub-paragraph (ii) above is correct with the clerk; or
- (b) has been nominated to be entered on the fish merchant register as its representative by a partnership of fish merchants which fulfils the conditions set out in sub-paragraphs (i), (ii) and (iii) above and who is a partner in that partnership.

(3) A person who ceases to fulfil the conditions set out in paragraph (2) above shall notify the fact to the clerk who shall remove that person from the fish merchant register.

(4) Any person may notify the clerk that another person is not entitled to be on or remain on the fish merchant register.

(5) Subject to paragraph (6) below, any question as to whether a person is entitled to be or remain on the fish merchant register shall be determined by the Commissioners, other than the Boat-owners Commissioners, 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 a reasonable time as they may allow.

(6) If a question arises as to whether a person or a partnership of fish merchants fulfils the conditions set out at paragraph (2)(a)(ii) above, the question shall be determined by an independent auditor appointed jointly by the person or partnership concerned and the Commissioners.

(7) The clerk shall be informed of any determination made pursuant to paragraphs (5) and (6) above and shall amend the register accordingly.

(8) Subject to paragraph (9) below, the provisions of the Schedule to this Order shall apply to the election of the Fish Merchant Commissioner.

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

“voter” means a person who appears on the fish merchant 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 December in an election year;

“the relevant number” means one.