

1999 No. 1043

SEA FISHERIES

**The North Western and North Wales Sea Fisheries District
Order 1999**

Made - - - - 29th March 1999

Coming into force 1st April 1999

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, on the application of the local fisheries committee for the North Western and North Wales Sea Fisheries District and after consultation with every council concerned, in exercise of the powers conferred by sections 1, 2(1) and (5), and 18(1) of the Sea Fisheries Regulation Act 1966(a), and now vested in them(b), and of all other powers enabling them in that behalf, hereby make 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 North Western and North Wales Sea Fisheries District Order 1999 and shall come into force on 1st April 1999.

(2) In this Order—

“the Act” means the Sea Fisheries Regulation Act 1966.

Sea fisheries district

2.—(1) There shall continue to be a sea fisheries district comprising so much of the sea within the national waters of the United Kingdom adjacent to England and Wales, and so much of the sea within six nautical miles of the baselines (as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964(c), as amended by the Territorial Waters (Amendment) Order in Council 1979(d)) from which the breadth of the territorial sea of the United Kingdom adjacent to England and Wales is measured, with the adjoining coast, as lies within the following limits, namely: on the north, a line drawn true south-west from the seaward extremity of Haverigg Point in the county of Cumbria (being the southern boundary of the Cumbria Sea Fisheries District) and, on the south, a line drawn true north-west from the northern extremity of Cemaes Head in the county of Ceredigion (being the northern boundary of the South Wales Sea Fisheries District).

(a) 1966 c. 38, amended by the Local Government Act 1985 (c. 51) section 16 and Schedule 8, paragraph 19, and the Environment Act 1995 (c. 25) section 102; 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 and, in respect of Welsh local authorities, with the Local Government (Wales) Act 1994 (c. 19) section 17(5). References in the 1966 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 17, paragraph 1, and the Environment Act 1995 section 105 and Schedule 15, paragraph 2.

(b) By the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(c) See S.I. 1965 III p. 6452A.

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

(2) 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, or of the estuaries, within the limits of the said district as follows:-

Lines drawn along the seaward side of the railway (1) from Green Road Station to Kirkby-in-Furness Station; (2) from the road bridge over the railway near Plumpton Hall to Cark and Cartmel Station; and (3) from Grange Station to Arnside Station; such lines being at or near the mouths of the rivers Duddon, Leven, Winster, Kent and Bela, and of other rivers or streams flowing into the estuaries above such lines respectively;

A line drawn across the river Keer, along the seaward side of the downstream railway bridge at Carnforth;

A line drawn across the river Lune, along the seaward side of the Skerton Bridge carrying the A6 road at Lancaster;

A line drawn across the river Cocker, along the seaward side of Cocker bridge carrying the A588 road;

A line drawn across the river Wyre, along the seaward side of Shard toll bridge carrying the A588 road;

A line drawn across the river Ribble, along the seaward side of the bridge carrying the A59 Preston to Penwortham road;

A line drawn across the river Asland or Douglas, between the tower of All Saints Church, Beconsall, and the tower of St. Michael's Church, Much Hoole;

A line drawn across the river Mersey, along the seaward side of the railway bridge at Runcorn;

A line drawn across the river Weaver, along the seaward side of the railway bridge at Frodsham;

A line drawn across the river Dee (Dyfrdwy) from Hilbre Point to the north-western extremity of Hilbre Island in the Metropolitan Borough of Wirral, thence to the disused lighthouse at the Point of Ayr, in the county of Flintshire;

A line drawn across the river Clwyd, along the seaward side of the bridge carrying the A548 road at Rhyl;

Lines drawn across the rivers Conwy and Aber, along the seaward side of the railway bridges across the said rivers near Conwy and Aber respectively;

A line drawn across the river Seiont, along the seaward side of the bridge carrying the A487 road at Caernarfon;

A line drawn across the mouth of Foryd Bay (river Gwyrfa) from Tycalch to the flagstaff at Belan Fort;

A line drawn across the river Cefni, along the seaward side of the bridge carrying the A4080 road at Malltraeth;

A line drawn across the river Soch, along the seaward side of the bridge carrying the A499 road at Abersoch;

A line drawn across the river Erch, along the seaward side of the railway bridge at Pwllheli Harbour;

A line drawn across the river Rhyd-hir, along the seaward side of the bridge carrying the Embankment Road at the western side of Pwllheli Harbour;

A line drawn across the river Glaslyn, along the seaward side of the embankment near Porthmadog;

Lines drawn across the rivers Dwyrhyd and Artro, along the seaward side of the railway bridges across the said rivers near Llandecwyn and Llanbedr and Pen-Sarn Stations respectively;

Lines drawn across the rivers Ysgethin and Dysynni, along the seaward side of the railway bridges across the said rivers near Tal-y-bont and Tonfanau respectively;

A line drawn across the river Mawddach, from the point at which it is joined on the north shore by the Cwm-llechan stream near Bontddu to the point on the south shore where it is joined by the Gwynant stream;

A line drawn across the river Dyfi, from the point at Trefri to the south-western abutment of the railway bridge across the Tre'r-ddol stream (river Clettwr);

A line drawn across the river Aeron, along the seaward side of the bridge carrying the A487 road at Aberaeron;

A line drawn across the river Teifi, along the seaward side of the bridge carrying the A487 road at Cardigan;

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

(3) In respect of the rivers, streams and estuaries 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.

(4) The sea fisheries district shall continue to be called the North Western and North Wales Sea Fisheries District.

Local fisheries committee

3.—(1) There shall continue to be a local fisheries committee constituted for the regulation of the sea fisheries carried on within the North Western and North Wales Sea Fisheries District.

(2) 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 thirty-eight members. The number of members appointed by each constituent council shall be the number which is set out in column 2 of the Schedule opposite the reference to such council. As for the additional members of the committee, one person shall be appointed by the Environment Agency and seventeen persons jointly by the Minister of Agriculture, Fisheries and Food and the Secretary of State.

(3) Subject to paragraph (5) of this article, those persons who were members of the committee immediately before the coming into force of this Order, with the exception of those members appointed by Cheshire County Council, shall continue to hold office until the date specified for that purpose in the instrument appointing them. Any member appointed after this Order comes into force shall come into office on the day specified for that purpose in the instrument appointing him and shall hold office for the period specified in that instrument.

(4) Retiring members shall be eligible for re-appointment.

(5) Where for any reason whatsoever there occurs a casual vacancy in the committee, the body by whom the vacating member was appointed may fill the vacancy by the appointment of a new member. It shall be the duty of the clerk of the committee forthwith to notify every such vacancy to the appointing body.

(6) No act or proceeding of the committee shall be questioned on account of any vacancy in the committee, and no defect in the appointment of any person acting as a member of the committee shall vitiate any proceedings of the committee in which he has taken part.

(7) Except as provided by section 10 of the Act, no council shall make, vary or revoke any regulation or standing order respecting the quorum or proceedings of the committee or as to the area within which it is to exercise its authority.

(8) Subject to any restrictions or conditions as to expenditure made under section 10 of the Act, the committee shall not be required to submit its acts or proceedings to any council for approval.

(9) The committee shall hold one annual meeting in each year for the transaction of general business, in addition to any special or adjourned meetings.

(10) Eight members shall be a quorum at any meeting of the committee.

(11) The committee may from time to time appoint a sub-committee or sub-committees and may assign to such sub-committee or sub-committees such duties as it may from time to time determine.

Expenses

4. The expenses of the committee, other than those which may require to be incurred under section 17(2) of the Act, shall be chargeable to the constituent councils in the respective proportions set out in column 3 of the Schedule to this Order opposite the reference to each constituent council and shall be expenses for general county, borough or district purposes.

Revocations

5. The North Western and North Wales Sea Fisheries District Order 1986(a) and the North Western and North Wales Sea Fisheries District (Variation) Order 1989(b) are hereby revoked.

25th March 1999

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

29th March 1999

Jon Owen Jones
Parliamentary Under Secretary of State,
Welsh Office

SCHEDULE

Articles 3 and 4

CONSTITUTION AND EXPENSES

<i>Column 1</i> <i>Constituent council</i>	<i>Column 2</i> <i>Number of representatives</i>	<i>Column 3</i> <i>Proportion of expenses</i> <i>(per cent)</i>
Blackpool Borough Council	1	3.15
Cumbria County Council	2	12.18
Lancashire County Council	3	20.74
Sefton Metropolitan Borough Council	2	5.16
Wirral Metropolitan Borough Council	2	5.18
Cyngor Sir Ynys Mon/Isle of Anglesey County Council	2	15.21
Ceredigion County Council	2	8
Conwy County Borough Council	2	7.29
Denbighshire County Council	1	3.15
Flintshire County Council	1	3.15
Gwynedd County Council	2	16.80

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces the order made in 1986 by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales under the Sea Fisheries Regulation Act 1966 (c. 38) to establish the North Western and North Wales Sea Fisheries District. It consolidates the 1986 order and its subsequent amending orders, and consequently provides for the continuation of the sea fisheries district and sets out its geographical extent (article 2). The Order also varies the existing constitution of the local fisheries committee for the district, originally constituted under the 1986 Order. Changes are made to take account, firstly, of the decision of Cheshire County Council to withdraw from the committee, and, secondly, of the changes made to the structure of local government in England under the Local Government Act 1992 (c. 19) and, in particular, the Lancashire (Boroughs of Blackburn and Blackpool) (Structural Change) Order 1996 (S.I. 1996/1868). 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 been revised (articles 3 and 4, and Schedule).

(a) S.I. 1986/1201 as varied by S.I. 1989/474, 1990/1157, 1993/2532 and 1996/618.

(b) S.I. 1989/474.

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£2.00

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WO 4540 4/99 ON (MFK)