

2010 No. 631

SEA FISHERIES

**The North Western and North Wales Sea Fisheries District
(Consequential and Transitional Provisions) Order 2010**

<i>Made</i>	- - - -	<i>8th March 2010</i>
<i>Laid before Parliament</i>		<i>11th March 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

The Secretary of State, in exercise of the powers conferred by section 188 of the Marine and Coastal Access Act 2009(a), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the North Western and North Wales Sea Fisheries District (Consequential and Transitional Provisions) Order 2010 and comes into force on 1st April 2010.

(2) In this Order—

“the 1999 Order” means the North Western and North Wales Sea Fisheries District Order 1999(b);

“the committee” means the committee reconstituted under article 3(1) of this Order;

“the North Western and North Wales Sea Fisheries District” means the sea fisheries district referred to in the 1999 Order;

“Wales” has the same meaning as in the Government of Wales Act 2006(c).

Sea fisheries district

2.—(1) That part of the North Western and North Wales Sea Fisheries District lying outside Wales is to be treated as if it were a sea fisheries district created under section 1 of the Sea Fisheries Regulation Act 1966(d).

(2) The area which is to be treated as if it were a sea fisheries district by virtue of paragraph (1) is to be known as the North Western Sea Fisheries District.

(a) 2009 c. 23.

(b) S.I. 1999/1043, revoked in Wales by S.I. 2010/630.

(c) 2006 c. 32.

(d) 1966 c. 38, amended by the Local Government Act 1985 (c. 51) section 16 and Schedule 8, paragraph 19. 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 relevant amending instruments are S.I. 1996/611 and S.I. 2008/2867. The 1966 Act will be repealed in Wales on 1st April 2010 by section 187 of the Marine and Coastal Access Act 2009, as commenced by article 3 of S.I. 2010/630.

Local fisheries committee

3.—(1) Subject to paragraph (2), the local fisheries committee that was constituted for the regulation of the sea fisheries carried on within the North Western and North Wales Sea Fisheries District is to continue in being as a local fisheries committee constituted for the regulation of sea fisheries carried on within the North Western Sea Fisheries District.

(2) On and after 1st April 2010, article 3(2) to (11) of the 1999 Order applies in relation to the committee as if—

- (a) in article 3(2) of that Order—
 - (i) for “thirty-eight” there were substituted “20”, and
 - (ii) for the words from “and seventeen persons” to the end there were substituted “and 9 persons by the Secretary of State”;
- (b) in article 3(10) for “Eight” there were substituted “Six”; and
- (c) in the Schedule any reference to a county council or county borough council in Wales were omitted(a).

Expenses of the committee

4. On and after 1st April 2010, article 4 of the 1999 Order applies in relation to the committee as if in the Schedule to that Order—

- (a) any reference to a county council or county borough council in Wales were omitted; and
- (b) the proportions set out in column 3 for each constituent council in England were as follows—

<i>Constituent council</i>	<i>Proportion of expenses (%)</i>
Blackpool Borough Council	6.7873
Cumbria County Council	26.2443
Lancashire County Council	44.6888
Sefton Metropolitan Borough Council	11.1183
Wirral Metropolitan Borough Council	11.1613

Byelaws

5. Any byelaw made by the committee and having effect immediately before 1st April 2010 in that part of the North Western and North Wales Sea Fisheries District lying outside Wales continues to have effect on and after that date in the North Western Sea Fisheries District as if made for that district by the committee.

Powers of the Environment Agency

6.—(1) The Environment Agency (“the Agency”) in England continues to have the powers of a local fisheries committee in respect of the rivers, streams and estuaries above the lines beyond which the North Western Sea Fisheries District does not extend by virtue of article 2(2) of the 1999 Order.

(2) Any byelaw made by the Agency in exercise of the powers conferred on it by virtue of article 2(3) of the 1999 Order and having effect immediately before 1st April 2010 in any area within England continues to have effect on and after that date as if made for that area by the Agency.

(a) The councils in Wales are Cyngor Sir Ynys Mon/Isle of Anglesey County Council, Ceredigion County Council, Conwy County Borough Council, Denbighshire County Council, Flintshire County Council and Gwynedd County Council.

8th March 2010

Huw Irranca-Davies
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the continuance of that part of the North Western and North Wales Sea Fisheries District which lies in England following repeal of the Sea Fisheries Regulation Act 1966 in Wales. The name of the revised District will be the North Western Sea Fisheries District.

Article 3 makes consequential amendments to the constitution of the revised committee. Article 4 makes similar amendment to the proportion of expenses to be paid by each of the constituent councils. Article 5 provides for the continuance in force of byelaws made by the North Western and North Wales sea fisheries committee in the revised district. Article 6 maintains the existing powers of the Environment Agency in the revised district.

A full impact assessment has not been prepared for this instrument as it will have no impact on business or the voluntary sector.

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