

**EXPLANATORY MEMORANDUM TO
THE POOLE HARBOUR FISHERY ORDER 2015**

2015 No. 1346

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This Order confers on the Southern Inshore Fisheries and Conservation Authority (the SIFCA) a right of Several Fishery (an exclusive right to fish) for crustaceans and shellfish species in the Poole Harbour for a period of 20 years (see map at end of document).

3. Matters of special interest to the Joint Committee on Statutory Instruments.

None

4. Legislative Context

4.1 The Order is made under Section 1 of the Sea Fisheries (Shellfish) Act 1967.

4.2 Section 1(1) of the 1967 Act provides that the Secretary of State may, on application, provide by Order for the establishment or improvement, and for the maintenance and regulation, of a fishery for shellfish of any kind specified in the Order. The Order can cover any portion of the sea shore and bed or estuary or tidal river within 6 nautical miles of the baselines.

4.3 This Order is subject to negative procedure (pursuant to section 20(2) of the 1967 Act) which means that it is subject to annulment by resolution of either House of Parliament.

5. Territorial Extent and Application

5.1 This instrument extends to England.

5.2 The extent of the several fishery is defined using the co-ordinates set out in the Schedule to this Order and is shown for illustrative purposes only on the map annexed below. The map is available for inspection (subject to prior appointment) at the offices of the Department for Environment, Food and Rural Affairs, Area 8A, Nobel House, Smith Square, London SW1P 3JR.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Sea Fisheries (Shellfish) Act 1967 allows the Secretary of State to create Shellfish Orders around the English coast. These Orders provide for the establishment, improvement or management of commercial shellfisheries.

7.2 Section 2 of the Sea Fisheries (Shellfish) Act 1967 gives the Grantee of an Order exclusive rights, exercisable within a defined area of the sea shore, to fish, dredge for or take the shellfish species to which the Several Order applies. The right of Several fishery bestows ownership of the shellfish on the Grantee and is a property right that may be leased or transferred. In exercising this right the Grantee may create and maintain shellfish beds and may collect, move or deposit shellfish as it sees fit within the defined area.

7.3 The Order is made at the request of the applicant. Granting such rights allows the applicant (in this case the SIFCA) to plan for the long-term development and management of their fisheries.

7.4 Defra is keen to encourage the use of Shellfish Orders to develop shellfish aquaculture and improve the management of wild shellfish stocks.

8. Consultation outcome

The Ministers, in accordance with the procedure prescribed in paragraph 1 of Schedule 1 to the 1967 Act, prepared a draft Order and served a copy of it on the Applicant. Further, the Applicant caused printed copies of that draft Order to be published and circulated and gave notice of the application in accordance with the requirements of paragraph 2 of Schedule 2 to the 1967 Act.

9. Guidance

The Department does not plan to publish guidance on this instrument.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument.

10.2 No RIA has been completed because no significant impact is foreseen to the interests of any individual, business, group or organisation, as a result of the making of this Order.

11. Regulating small business

The legislation does not apply to small business. This Order is made at the request of the applicant.

12. Monitoring & review

This Order is time-limited for 20 years and will cease on 30 June 2035.

13. Contact

Shaun McLennan at the Department for Environment, Food and Rural Affairs Tel: 0207 979 8680 or email: shaun.mclennan@Defra.gsi.gov.uk can answer any queries regarding the instrument.

THE POOLE HARBOUR SEVERAL ORDER 2015

Poole Harbour Several Order 2015

