STATUTORY INSTRUMENTS

1973 No. 2195

SEA FISHERIES

The Cumbria Sea Fisheries District (Constitution of Committee and Expenses) (Variation) Order 1973

Laid before Parliament in draft

Made - - - 19*th December* 1973

Coming into Operation 1*st April* 1974

The Minister of Agriculture, Fisheries and Food, on the application of the local fisheries committee for the Cumberland Sea Fisheries District and after consultation with the county council concerned, in exercise of the powers conferred on him by section 1 of the Sea Fisheries Regulation Act 1966(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Cumbria Sea Fisheries District (Constitution of Committee and Expenses) (Variation) Order 1973 and shall come into operation on 1st April 1974.

(2) In this Order—

"the Act" means the Sea Fisheries Regulation Act 1966;

"the principal order" means the order made by the Board of Trade on 21st February 1895(b) (which created a sea fisheries district then called "the Cumberland Sea Fisheries District" and constituted a local fisheries committee for the regulation of the sea fisheries within that district);

"first members" means the first members of the Committee as varied by this Order;

"quadrennial period" means the period of four years beginning with 1st July 1973 and with every fourth anniversary of that day.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(a) 1966 c. 38.
(b) S.R. & O. 1895/587.
(c) 1889 c. 63.

Variation of Principal Order

2. In the last paragraph of Article 1 of the principal order (creation of district) for the word "Cumberland" there shall be substituted the word "Cumbria".

3. For Articles 2 and 3 of the principal order (constitution of committee and expenses) there shall be substituted the following Articles:—

"Constitution of Committee

"2. A local fisheries committee (in this Order called "the Committee") shall be constituted for the regulation of the sea fisheries within the said district. The Committee shall be a committee of the County Council of Cumbria and shall consist of fourteen members, seven of whom shall be appointed by the Council, six by the Minister of Agriculture, Fisheries and Food and one by the North West Water Authority.

"3. The first members shall come into office on 1st April 1974 or, in the case of a first member who is for any reason appointed after that day, on the day on which the appointment is made, and shall hold office until the end of June 1977. Any subsequent members shall come into office at the beginning of the quadrennial period next following the day on which they are appointed and shall hold office for that quadrennial period : Provided that if for any reason any member is appointed on or after the beginning of a quadrennial period, he shall come into office on the day on which he is appointed and shall hold office for the remainder of that quadrennial period. Retiring members shall be eligible for re-appointment.

"4. 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.

"5. 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.

"6. The Council shall not 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: Provided that the Council may make a regulation requiring the Committee to submit to the Council once in each year an estimate of expenses proposed to be incurred by it under the Act, and once in each year an abstract of its accounts for the preceding year, and to afford to any person appointed for the purpose by the Council access at all reasonable times to the books containing its accounts.

"7. Subject to any restriction or condition made under section 10 of the Act, the Committee shall not be required to report its proceedings to the Council, nor shall its acts or proceedings be submitted to the Council for approval.

"8. The first meeting of the Committee shall be summoned by the chairman of the County Council of Cumbria.

"9. The Committee shall hold four quarterly meetings in each year for the transaction of general business, in addition to any special or adjourned meetings.

"10. Five 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

"12. The expenses of the Committee, so far as payable by the Council, shall be expenses for general county purposes and shall be chargeable on the County of Cumbria."

4. Article 4 of the principal order (definitions) shall be re-numbered and become Article 13.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th December 1973.

(L.S.) *Joseph Godber,*
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order varies the constitution of the Cumbria Local Fisheries Committee (constituted in 1895 by order of the Board of Trade under the Sea Fisheries Regulation Act 1888 (c.54)). The maximum term of office of committee members has been increased to four years to correspond to the term of office of councillors of the new county councils constituted under the Local Government Act 1972 (c.70).