STATUTORY INSTRUMENTS

# 1986 No. 1201

# SEA FISHERIES

## The North Western and North Wales Sea Fisheries District Order 1986

*Laid before Parliament in draft*

| | |
|---|---|
| *Made* - - - - | 10*th July* 1986 |
| *Coming into Operation* | 11*th July* 1986 |

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, on the application of the local fisheries committee for the Lancashire and Western 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:—

*Citation, commencement and interpretation*

**1.**—(1) This order may be cited as the North Western and North Wales Sea Fisheries District Order 1986, and shall come into operation on the day after the day on which it is made.

(2) In this order—
"the Act" means the Sea Fisheries Regulation Act 1966;
"the quadrennial period" means the period of four years beginning on 1st July 1989 and on every fourth anniversary of that day.

*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 three nautical miles from the baselines 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 Dyfed (being the northern boundary of the South Wales Sea Fisheries District).

(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 any estuary, within the limits of the said district, as follows:—

(**a**) 1966 c.38, amended by the Local Government Act 1985 (c.51), section 16 and Schedule 8, paragraph 19.
(**b**) By the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

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, Becconsall, 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 county of Cheshire, thence to the disused lighthouse at the Point of Ayr, in the county of Clwyd;

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 Gwyrfai) from Ty-calch 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 Dwyryd 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 such rivers, streams and estuaries above the lines beyond which the sea fisheries district does not extend the North West Water Authority and the Welsh Water Authority shall each within their respective areas have the powers of a local fisheries committee.

(4) The sea fisheries district shall be known as 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 Schedule 1 to this Order and shall consist of thirty-six members. The number of members appointed by each constituent Council shall be the number which is set out in column 2 of that Schedule opposite the reference to such Council. As respects the additional members of the Committee, one person shall be appointed by the North West Water Authority, one person by the Welsh Water Authority and sixteen persons jointly by the Minister of Agriculture, Fisheries and Food and the Secretary of State.

(3) Subject to paragraph (5) of this article, the persons who were members of the Committee immediately before the coming into operation of this order and the first members appointed by Sefton Metropolitan Borough Council and Wirral Metropolitan Borough Council shall hold or continue to hold office until the end of June 1989. After that date the members shall come into office on the day specified for that purpose in the instrument appointing them and shall hold office until the end of the quadrennial period in which that day falls.

(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.**—(1) Subject to the provisions hereinafter contained, the expenses of the Committee, other than those which may be required to be incurred under section 17(2) of the Act, shall be chargeable jointly on the counties and districts referred to in column 1 of the Schedule as expenses for general county or district purposes.

(2) None of the counties or districts shall be chargeable in any financial year with a sum greater than the amount which can in that year be raised by one-twelfth of a penny rate in each of the counties or districts.

(3) The amount of the expenses of the Committee chargeable in any financial year on any one of the counties or districts shall be determined by apportioning the expenses in accordance with the estimated product of a rate of one penny in the pound for that year in each of the counties and districts.

(4) The amount due to the Committee under a precept shall be the amount produced by the rate of the amount in the pound specified in the precept.

(5) Each council shall furnish to the Committee before the fifteenth day of February in each year its estimate of the product of a rate of one penny in the pound for the succeeding financial year and the Committee shall send to the councils not later than the first day of March in each year an estimate of the rate in the pound the Committee will require to levy by precept on each county or district for the succeeding year.

(6) The Committee shall each year furnish to each council a copy of the audited accounts of the Committee for the preceding year and shall afford to any person appointed for the purpose by any council access at all reasonable times to the books containing its minutes and accounts.

(7) For the purposes of paragraphs (3) and (5) of this article the product of a rate of one penny in the pound shall be calculated in accordance with the Rate Product Rules 1981(a); and any estimate of the product of a rate of one penny in the pound shall be made by taking the latest ascertained figures available for the area to which the estimate relates and modifying those figures to such extent as appears necessary having regard—

*(a)* to any alteration in total rateable value which may reasonably be anticipated, and

*(b)* to any other material circumstances.

*Revocation*

**5.** The orders specified in Schedule 2 to this order are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th July 1986.

L.S.

*Michael Jopling,*
Minister of Agriculture, Fisheries and Food.

*Nicholas Edwards,*
Secretary of State for Wales.

10th July 1986.

SCHEDULE 1 Articles 3 and 4

CONSTITUTION AND EXPENSES

| Column 1 | Column 2 |
|---|---|
| Constituent Councils | Number of Representatives |
| Cheshire County Council | 3 |
| Cumbria County Council | 2 |
| Lancashire County Council | 3 |
| Sefton Metropolitan Borough Council | 2 |
| Wirral Metropolitan Borough Council | 2 |
| Clwyd County Council | 2 |
| Dyfed County Council | 2 |
| Gwynedd County Council | 2 |

(a) S.I. 1981/327, amended by S.I. 1983/268.

## SCHEDULE 2

Article 5

ORDERS REVOKED

| Order | References |
|---|---|
| 1. The order made by the Board of Trade on 22nd February 1900 which created the Lancashire and Western Sea Fisheries District and constituted a local fisheries committee for the regulation of the sea fisheries within that district. | S.R. & O. 1900/292 |
| 2. The order made by the Board of Agriculture and Fisheries on 22nd June 1906 which varied the order made on 22nd February 1900. | S.R. & O. 1906/644 |
| 3. Lancashire and Western Sea Fisheries District (Variation) Order 1933. | S.R. & O. 1933/295 |
| 4. Lancashire and Western Sea Fisheries District (Constitution of Committee and Expenses) (Variation) Order 1973. | S.I. 1973/2199 |
| 5. Lancashire and Western Sea Fisheries District (Variation) Order 1980. | S.I. 1980/822. |

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order, which supersedes with amendments an order made by the Board of Trade on 22nd February 1900 as amended, makes new provision for the constitution of the local fisheries committee for the Lancashire and Western Sea Fisheries District in consequence of the abolition of metropolitan county councils by the Local Government Act 1985. Sefton Metropolitan Borough Council and Wirral Metropolitan Borough Council are made constituent councils of the committee in place of Greater Manchester County Council and Merseyside County Council. Consequential adjustments are made to the Committee's membership. The order also changes the name of the district to the North Western and North Wales Sea Fisheries District.

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