

1973 No. 2199

SEA FISHERIES

**The Lancashire and Western Sea Fisheries District
(Constitution of Committee and Expenses) (Variation)
Order 1973**

Laid before Parliament in draft

Made - - - - 19th December 1973

Coming into Operation 1st April 1974

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, on the application of the local fisheries committee for the Lancashire and Western Sea Fisheries District and after consultation with every county council concerned, in exercise of the powers conferred by section 1 of the Sea Fisheries Regulation Act 1966(a) and now jointly vested in them(b) and of all other powers enabling them in that behalf, hereby make the following Order:—

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Lancashire and Western 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 22nd February 1900(c) (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) as varied by an order made by the Board of Agriculture and Fisheries on 22nd June 1906(d) and by the Lancashire and Western Sea Fisheries District (Variation) Order 1933(e);

“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(f) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Variation of Principal Order

2. For Articles 6 to 23 of the principal order (constitution of committee, property and expenses) there shall be substituted the following Articles:—

(a) 1966 c. 38.

(b) See the Transfer of Functions (Wales) Order 1969 (SI 1969/388 (1969 I, p. 1070)).

(d) S. R. & O. 1906/644.

(e) S. R. & O. 1933/295.

(c) S. R. & O. 1900/292.

(f) 1889 c. 63.

" 6. The Committee shall be a joint committee of the county councils referred to in column 1 of the Schedule to this Order and shall consist of forty 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 respects the additional members of the Committee, one person shall be appointed by the North West Water Authority, one person by the Welsh National Water Development Authority and eighteen persons jointly by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales.

" 7. Retiring members shall be eligible for re-appointment.

" 8. 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.

" 9. 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.

" 10. 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.

" 11. 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.

" 12. 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.

" 13. The Committee shall hold one annual meeting in each year for the transaction of general business, in addition to any special or adjourned meetings.

" 14. Nine members shall be a quorum at any meeting of the Committee.

" 15. 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

" 16.—(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 referred to in column 1 of the Schedule as expenses for general county purposes.

“(2) None of the counties 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 new penny rate in each of the counties.

“(3) The amount of the expenses of the Committee chargeable in any financial year on any one of the counties shall be determined by apportioning the expenses in accordance with the estimated product of a rate of one new penny in the pound, calculated in accordance with the Rate Product Rules 1968(a) (as amended, extended or re-enacted by any other Rules) for that year in each of the counties.

“(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) The product of a rate of one new penny in the pound shall be the aggregate of the products of the rates of one new penny in the pound of the rating areas within a county.

“(6) 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 new 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 for the succeeding year.

“(7) 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”.

3. Article 24 of the principal order (definitions) shall be re-numbered and become Article 17.

4. Schedules I and II of the principal order shall be omitted.

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.

Peter Thomas,
Secretary of State for Wales.

19th December 1973.

SCHEDULE
(CONSTITUTION OF COMMITTEE)

Column 1	Column 2
Constituent Councils	Number of Representatives
Cheshire County Council	3
Cumbria County Council	2
Greater Manchester County Council	3
Lancashire County Council	3
Merseyside County Council	3
Clwyd County Council	2
Dyfed County Council	2
Gwynedd County Council	2

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order varies the constitution of the Lancashire and Western Local Fisheries Committee (constituted in 1900 by order of the Board of Trade under the Sea Fisheries Regulation Act, 1888 (c. 54)) in consequence of the establishment of new local government areas in England and Wales under the Local Government Act 1972 (c. 70). The county councils referred to in the Schedule to the Order are made constituent councils of the Committee and consequential adjustments are made to the Committee's membership, to members' tenure of office and to the liability of constituent councils to contribute to the Committee's expenses.