

**EXPLANATORY MEMORANDUM TO**  
**THE NORTH WESTERN AND NORTH WALES SEA FISHERIES DISTRICT**  
**(CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) ORDER 2010**

**2010 No. 631**

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.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 This instrument will provide for the continued existence of the English jurisdiction of the North Western and North Wales Sea Fisheries District once Welsh Assembly Government repeal the Sea Fisheries Regulation Act 1966 in Wales and take inshore fisheries in house from 1 April 2010. The Order will also make the corresponding alterations to the committee structure and contributions.

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

3.1 This instrument is subject to annulment by a resolution of either House of Parliament pursuant to section 316(8) and (10) of the Marine and Coastal Access Act 2009.

4. **Legislative Context**

4.1 At present, inshore fisheries in England and Wales are managed primarily by Sea Fisheries Committees (SFCs). Sea Fisheries Committees were established under the Sea Fisheries Regulation Act 1888 and now operate principally under the Sea Fisheries Regulation Act 1966. Their duty is to regulate sea fisheries within their district.

4.2 The enabling power for this Order is section 188 of the Marine and Coastal Access Act 2009.

4.3 Welsh Assembly Government are repealing the Sea Fisheries Regulation Act 1966 so far as it applies to Wales with effect from 1 April 2010. The current cross-border North Western and North Wales Sea Fisheries Committee will therefore have an uncertain legal basis. This Order clarifies and confirms the legal position of the remaining English jurisdiction of the Committee.

4.4 The Order<sup>1</sup> that will repeal the Sea Fisheries Regulation Act 1966 so far as it applies to Wales will be a composite Order since it will make provision for the transfer of assets and staff from the Committee to Welsh Assembly Government.

## 5. Territorial Extent and Application

5.1 This instrument applies to England, specifically to that part of the North Western and North Wales Sea Fisheries District, as defined in S.I.1999/1043, lying outside Wales.

## 6. European Convention on Human Rights

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

## 7. Policy background

- *What is being done and why*

7.1 At present, inshore fisheries in England and Wales are managed primarily by Sea Fisheries Committees (SFCs). Sea Fisheries Committees were established under the Sea Fisheries Regulation Act 1888 and now operate principally under the Sea Fisheries Regulation Act 1966. Their duty is to regulate sea fisheries within their district.

7.2 Sea Fisheries Committees are made up of members representing their constituent local authorities, the Environment Agency; and Defra appointees who represent the fisheries interests of that district or as having knowledge of, or expertise in, the marine environment.

7.3 The Marine and Coastal Access Act 2009 (“the Act”) includes measures to reform inshore fisheries management by replacing Sea Fisheries Committees in England with Inshore Fisheries and Conservation Authorities (IFCAs). Inshore Fisheries and Conservation Authorities will be established on **1 April 2011** across England.

7.4 The Welsh Assembly Government (WAG) however, are taking inshore fisheries management ‘in-house’ and will assume responsibility for the management of inshore fisheries in Wales from **1 April 2010**. In doing so they are repealing the Sea Fisheries Regulation Act 1966 as it applies to Wales.

7.5 The differing timetables for reform to inshore fisheries management in England and Wales raise operational issues for the North Western and North Wales (NWNW) SFC, a committee which covers both countries. The NWNWSFC extends over Welsh and English borders from Haverigg Point (north of the Dudden Estuary in Cumbria) to Cemaes Head in Ceredigion, Wales.

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<sup>1</sup> The Marine and Coastal Access Act 2009 (Commencement No. [X], Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010, S.I. 2010/xxxx

7.6 The NWNWSFC Committee is a joint committee of England and Wales with constituent members from local authorities in both countries. The assets, staff and funds of the NWNWSFC are used interchangeably to manage the whole district through a mixture of cross border byelaws.

7.7 The differing reform timetables outlined above mean that when Welsh Assembly Government takes responsibility for inshore fisheries management 'in-house' on 1 April 2010, the NWNWSFC will be divided along the Wales/England border and the Statutory Instrument which establishes the Committee will be revoked in Wales.

7.8 Transitional arrangements are therefore required for an interim period of one year to ensure that there are no gaps in fisheries management for the English jurisdiction of the NWNWSFC before the new Inshore Fisheries and Conservation Authorities (IFCAs) are established.

7.9 This Order is therefore an important stage in the delivery of the Assembly Minister's policy in Wales, and helps to ensure certainty around the continued ability of the remaining part of the North Western and North Wales Sea Fisheries Committee to undertake activity within its England jurisdiction.

## **8. Consultation outcome**

8.1 Defra undertook a 10 week consultation from 12 November 2009 to 12 January 2010 on the draft Instrument. The consultation period was shortened to 10 weeks because Defra were required to delay the public consultation launch until after the Act had received Royal Assent.

8.2 Seven responses were received to the consultation. 100% of respondents supported the proposal being take forward by the Instrument. Any concerns raised by respondents were either financial or related to the impact of the adoption of separate administrative and operational boundaries on fisheries management, especially in the Dee Estuary.

8.3 Respondents to the consultation were also keen that the new North Western Sea Fisheries Committee also initiates cross-working arrangements with the Cumbria Sea Fisheries Committee over the next year. Defra supports this suggestion.

8.4 A full summary of consultation responses received by the deadline can be found on the Defra website.

## **9. Guidance**

9.1 Defra has not issued any guidance in relation to this instrument.

## **10. Impact**

10.1 No impact on business, charities or voluntary bodies is foreseen as a result of this instrument.

10.2 No impact on the public sector is foreseen as a result of this instrument..

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

**11. Regulating small business**

11.1 The legislation does not apply to small business.

**12. Monitoring & review**

12.1 Defra do not intend to review this instrument before IFCA's are established on 1 April 2011.

**13. Contact**

13.1 Sarah Steeds at the Department for Environment, Food and Rural Affairs Tel: 020 7238 6363 or email: [sarah.h.steeds@defra.gsi.gov.uk](mailto:sarah.h.steeds@defra.gsi.gov.uk) can answer any queries regarding the instrument.