

SCHEDULES

SCHEDULE 3

ADMINISTRATION

PART I

ORDERS

Scope

- 1 An order may provide—
 - (a) for the imposition, collection and recovery by a water authority of contributions assessed on several fisheries regulated by the order or on the owners and occupiers of such fisheries ;
 - (b) for enabling the water authority with the approval of the Minister, but subject to paragraphs 2 and 3 below, to erect and work by themselves or their lessees any fixed engine for catching salmon or migratory trout within the area within which the order is to apply ;
 - (c) for modifying in relation to the fisheries within the area any of the provisions of this Act which relate to the regulation of fisheries, or of any local Act relating to any fishery within the area.
- 2 An order shall not authorise a fixed engine to be worked for a period exceeding five years unless authorisation is from time to time extended by licence of the Minister for such term as may be specified in the licence and not exceeding at any one time five years.
- 3 The Minister shall not grant a licence until he has inquired into the effect of the working of the engine on the salmon or trout fisheries within the area.
- 4 An order may contain any incidental, consequential or supplemental provisions, including provisions for payment of compensation to persons injuriously affected by the order, which may appear to be necessary or proper for the purposes of the order.

Procedure

- 5 An application for an order may be made by any of the following, namely—
 - (a) a water authority ;
 - (b) a county council;
 - (c) persons who in the opinion of the Minister are the owners of one-fourth at least in value of the several fisheries proposed to be regulated or constitute a majority of the persons holding licences to fish in public waters within the area of the proposed order ;

Status: This is the original version (as it was originally enacted).

- (d) any association of persons which in the opinion of the Minister is sufficiently representative of fishing interests within that area.
- 6 The applicant for an order shall give such security for the Minister's expenses as the Minister may require.
- 7 Before making an order the Minister shall cause notice of the intention to make the order and of the place where copies of the draft order may be inspected and obtained, and of the time within and manner in which objections to the draft order may be made, to be published in the London Gazette and in such other manner as he thinks best adapted for informing persons affected.
- 8 Before making an order the Minister shall consider any objections which may be duly made to the draft order, and may cause a public local inquiry to be held with respect to any such objections.
- 9 After an order has been settled and made by the Minister it shall be published in such manner as he thinks best adapted for informing persons affected with notice that the Minister has settled the order, and that the order will become final unless within such period, not being less than 30 days, as may be stated in the notice, a memorial is presented to the Minister by a water authority, local authority or other person or association affected by it, praying that it shall be subject to special parliamentary procedure.
- 10 If within such period, not being less than 30 days, as may be stated in the notice so published, no memorial against the order is presented to the Minister by any water authority, local authority or other person or association affected by the order, or if any such memorial so presented is withdrawn, the Minister may confirm the order, but if any such memorial is presented and is not withdrawn, the order shall be subject to special parliamentary procedure.
- 11 The making and confirmation of an order shall be prima facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making and confirmation of such an order have been complied with.
- 12 The Minister may by statutory instrument make regulations in relation to the publication of notices and advertisements and the holding of and procedure at public local inquiries under this Part of this Schedule, and the payment of expenses of and incidental to such inquiries and to any other matters of procedure respecting the making of orders.
- 13 Where—
- (a) any fishery, land or foreshore proposed to be comprised in an order; or
 - (b) any fishery proposed to be affected by any order; or
 - (c) any land over which it is proposed to acquire an easement under an order,
- belongs to Her Majesty in right of the Crown or forms part of the possessions of the Duchy of Lancaster or the Duchy of Cornwall, or belongs to or is under the management of any government department, the Minister may make the order if he has previously obtained—
- (i) in the case of any foreshore under the management of the Crown Estate Commissioners, or of any fishery or land belonging to Her Majesty in right of the Crown, the consent of those Commissioners ;
 - (ii) in the case of any foreshore or fishery or land forming part of the possessions of the Duchy of Lancaster, the consent of the Chancellor of the Duchy ;

- (iii) in the case of any foreshore, fishery or land forming part of the possessions of the Duchy of Cornwall, the consent of the Duke of Cornwall, or the persons for the time being empowered to dispose for any purpose of the land of the Duchy;
- (iv) in the case of any foreshore or fishery or land which belongs to or is under the management of a government department, the consent of that government department.