
STATUTORY INSTRUMENTS

2008 No. 1472

The Dee Estuary Cockle Fishery Order 2008

Title and commencement

1. This Order may be cited as the Dee Estuary Cockle Fishery Order 2008 and comes into force on 1st July 2008.

Interpretation

2. In this Order—

“the Act” means the Sea Fisheries (Shellfish) Act 1967;

“cockle” means any shellfish of the type *Cerastoderma edule*;

“the fishery” means the area shown coloured in red on the map prepared in triplicate, sealed with the official seal of the Secretary of State, signed on 5th June 2008 on behalf of the Secretary of State and the Welsh Ministers and marked “Dee Estuary Cockle Fishery Order 2008 – Definitive map showing the extent of the area concerned”(1);

“the grantee” means the Environment Agency.

Right of regulating a fishery and duration of right

3.—(1) The grantee has the right of regulating a fishery for cockles within the fishery for a period of 20 years starting on 1st July 2008.

(2) This right includes the right, with the consent of the appropriate national authority, to impose restrictions on, and make regulations respecting, the dredging, fishing for or taking of cockles within the limits of the fishery.

(3) In this article, “the appropriate national authority” means—

- (a) in relation to England, the Secretary of State; and
- (b) in relation to Wales, the Welsh Ministers.

Regulations and restrictions applicable in respect of the fishery

4.—(1) No person may dredge, fish for or take cockles within the fishery unless they do so under the terms of—

- (a) a licence issued by the grantee; or
- (b) an authorisation under article 6.

(2) A licensee must produce a copy of the licence if requested to do so by an authorised officer of the grantee and may not dredge, fish for or take cockles within the limits of the fishery until the licence has been produced.

(3) Paragraph (1) does not apply to any person who—

(1) The map is deposited and available for inspection at the Department for Environment, Food and Rural Affairs, Information Resource Centre, Lower Ground Floor, Ergon House, Horseferry Road, London SW1P 3JR and the Welsh Assembly Government, Fisheries Branch, Cathays Park, Cardiff CF10 3NQ.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Dee Estuary Cockle Fishery Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) takes by hand not more than five kilograms in live weight of cockles from the fishery in any one day for personal consumption; or
 - (b) dredges, fishes for or takes cockles in pursuance of provision made under section 3(1)(c) of the Act.
- (4) Schedule 1 (regulations and restrictions applicable to the fishery) has effect.

Licence terms, duration of licences and tolls

- 5.—(1) Schedule 2 (terms which may be attached to a licence) has effect.
- (2) The duration of a licence must not be longer than one year from the date on which it is issued.
 - (3) The grantee may not issue a licence to a person until that person has paid a toll.
 - (4) Where a licence is to be valid for one year, the toll is £992.
 - (5) Where a licence is to be valid for less than one year, the toll is calculated pro rata based on the duration of the licence in relation to the duration of time the fishery is open in the year in question.

Authorisations

- 6.—(1) The grantee may on application from a licensee authorise a second person to dredge, fish for or take cockles within the fishery under the same conditions as the licensee, for the same or a shorter period.
- (2) Any such authorisation is effective only when the grantee has entered in writing on the licence the name of the authorised person and the duration of the authorisation.
 - (3) An authorised person may not dredge, fish for or take cockles within the fishery at the same time as the licensee.

Accounts of income and expenditure, other information and inspections

- 7.—(1) The grantee must give the Secretary of State and the Welsh Ministers annual accounts of its income and expenditure under this Order.
- (2) The grantee must comply with any request made by the Secretary of State or the Welsh Ministers for information relating to this Order.
 - (3) The grantee must allow any person authorised by the Secretary of State or the Welsh Ministers to inspect the fishery and all accounts and other documents in the possession of the grantee relating to this Order, and must give that person any information relating to these matters which that person may require.

Lawful activities of statutory undertakers

- 8.—(1) Nothing in this Order or in any restriction imposed or regulation made under it adversely affects the lawful activities of any statutory undertaker.
- (2) In this article, “statutory undertaker” means—
 - (a) any person licensed under Part I of the Gas Act 1986(2) to act as a gas transporter, interconnector, supplier or shipper;
 - (b) any person licensed under section 6 of the Electricity Act 1989(3);

(2) 1986 c. 44.

(3) 1989 c. 29, as substituted by section 30 of the Utilities Act 2000 (c.27) and amended by the Energy Act 2004 (c.20), sections 89(3), 136, 143, 145 and 197(9).

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- (c) any person providing a designated communications network or service or a designated associated facility within the meaning of the Communications Act 2003(4);
- (d) any company licensed as a water supplier under section 17A of the Water Industry Act 1991(5) or appointed as a water or sewerage undertaker under section 6 of that Act;
- (e) any person carrying on the undertaking of any navigation, harbour, general lighthouse or conservancy authority; or
- (f) any person authorised by any enactment to carry on any undertaking for the supply of hydraulic power.

8th June 2008

Jonathan Shaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

6th June 2008

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers

(4) 2003 c. 21.

(5) 1991 c. 56; section 17A was inserted by section 56 of, and paragraphs 1 and 2 of Schedule 4 to, the Water Act 2003 (c. 37).

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Changes and effects yet to be applied to :

- art. 2 words inserted by [S.I. 2013/755 Sch. 4 para. 300\(2\)](#)
- art. 2 words inserted by [S.I. 2013/755 Sch. 4 para. 300\(4\)](#)
- art. 2 words substituted by [S.I. 2013/755 Sch. 4 para. 300\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 5(1A) inserted by [S.I. 2013/755 Sch. 4 para. 301](#)