
STATUTORY INSTRUMENTS

2008 No. 1472

SEA FISHERIES, ENGLAND AND WALES
SHELLFISH

The Dee Estuary Cockle Fishery Order 2008

<i>Made</i>	- - - -	<i>8th June 2008</i>
<i>Laid before Parliament</i>		<i>9th June 2008</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>9th June 2008</i>
<i>Coming into force</i>	- -	<i>1st July 2008</i>

The Environment Agency made an application to the Secretary of State and the National Assembly for Wales for an order under section 1 of the Sea Fisheries (Shellfish) Act 1967(1) (“the Act”).

The Secretary of State and the National Assembly for Wales prepared a draft order and served a copy of it on the Environment Agency in accordance with paragraph 1 of Schedule 1 to the Act (“the Schedule”).

The Environment Agency caused printed copies of the draft order to be published and circulated, and gave notice of the application, in accordance with paragraph 2 of the Schedule.

Objections were received by the Secretary of State and the National Assembly for Wales, under paragraph 3 of the Schedule, which they considered to be neither frivolous nor irrelevant, and which were not withdrawn.

The Secretary of State and the National Assembly for Wales appointed an inspector respecting the proposed order in accordance with paragraph 4(2) of the Schedule. The inspector made an inquiry in accordance with paragraph 4(3) of the Schedule, and made a report to the Secretary of State and the Welsh Ministers in accordance with paragraph 4(7) of the Schedule stating that in the inspector’s opinion the proposed order should be made.

In the opinion of the Secretary of State and the Welsh Ministers the following Order should now be made.

(1) 1967 c. 83. Section 1 of the Act was amended by section 15(1) and (2) of the Sea Fisheries Act 1968 (c. 77); section 1 of the Sea Fisheries (Shellfish) (Amendment) Act 1997 (c. 3); and section 9(1) of, and paragraph 15 of Schedule 2 to, the Fishery Limits Act 1976 (c. 86). The Act is to be read with section 15(3) to (5) of the Sea Fisheries Act 1968. Schedule 1 to the Act was amended by section 15(7) of the Sea Fisheries Act 1968. The functions of the appropriate Minister as defined in section 22(1) of the Act, so far as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and were subsequently transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32). By virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) the functions of the Minister were transferred to the Secretary of State.

Accordingly, the Secretary of State in relation to England and the Welsh Ministers in relation to Wales, exercising their powers under sections 1, 3(1), 4(2) and (4) of, and Schedule 1 to, the Act, make the following Order.