
STATUTORY INSTRUMENTS

2010 No. 630

**The Marine and Coastal Access Act 2009 (Commencement
No. 1, Consequential, Transitional and Savings
Provisions) (England and Wales) Order 2010**

PART 3

North Western and North Wales Sea Fisheries Committee

Transfer of property, rights and liabilities

10.—(1) On the transfer date—

- (a) all property held by, on behalf of or for the purposes of the North Western and North Wales Sea Fisheries Committee immediately before the transfer date; and
- (b) all rights and liabilities to which the North Western and North Wales Sea Fisheries Committee was entitled or subject immediately before the transfer date,

in relation to all the premises listed in Part 1 of Schedule 2, including any fixtures, fittings and trade fixtures at, in or on such premises, transfer to and vest in the Welsh Ministers.

(2) Save as provided by paragraph (1) and articles 9 and 11, on the transfer date—

- (a) all the property held by, on behalf of or for the purposes of the North Western and North Wales Sea Fisheries Committee immediately before the transfer date; and
- (b) all rights and liabilities to which the North Western and North Wales Sea Fisheries Committee was entitled or subject immediately before the transfer date,

in relation to the assets mentioned in paragraph (3), transfer to and vest in the Welsh Ministers.

(3) The assets referred to in paragraph (2) are—

- (a) the personal or other moveable assets at, in or on any of the premises listed in Part 1 of Schedule 2;
- (b) the personal or other moveable assets not included in sub-paragraph (a) and provided by, on behalf of or for the purposes of the North Western and North Wales Sea Fisheries Committee for the sole use of—
 - (i) those of its staff whose principal place of employment immediately before the transfer date was in Wales, or
 - (ii) any relevant employee whose employment is transferred under article 9(1); and
- (c) the assets listed in Part 2 of Schedule 2.

(4) Save as provided by paragraphs (1) and (2) and articles 9 and 11, all rights and liabilities to which the North Western and North Wales Sea Fisheries Committee was entitled or subject in relation to Wales immediately before the transfer date are, on the transfer date, transferred to and vest in the Welsh Ministers.

(5) A certificate issued by the Welsh Ministers that any property has been transferred by paragraphs (1) and (2) is conclusive evidence of the transfer.

(6) Paragraphs (1), (2) and (4) have effect in relation to the property, rights and liabilities to which they apply in spite of any provision (of whatever nature) which would prevent or restrict the transfer of those property, rights or liabilities otherwise than by those paragraphs.

(7) The liabilities falling within paragraph (4) include liabilities in respect of any person who meets all of the criteria set out in paragraph (8).

(8) For the purposes of paragraph (7), the criteria are—

- (a) that person was formerly employed by or on behalf of the North Western and North Wales Sea Fisheries Committee; and
- (b) that person was entirely or substantially employed in carrying out the functions of the North Western and North Wales Sea Fisheries Committee in relation to Wales.