
STATUTORY INSTRUMENTS

2015 No. 1346

The Poole Harbour Fishery Order 2015

Citation, extent, commencement and interpretation

1.—(1) This Order—

- (a) may be cited as the Poole Harbour Fishery Order 2015;
- (b) extends to England and Wales; and
- (c) comes into force on 1st July 2015.

(2) In this Order—

“the Authority” means the Southern Inshore Fisheries and Conservation Authority established under section 149(1) of the Marine and Coastal Access Act 2009⁽¹⁾;

“the fishery area” means that area of Poole Harbour in the County of Dorset described in the Schedule which lies below the line of mean high water springs;

“the management plan” means the management plan marked ‘Poole Harbour Several Order 2015 Management Plan’ submitted to the Secretary of State by the Authority on 20th March 2015 and deposited at the offices of the Secretary of State for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR;

“laying” means a part of the fishery area with respect to which a lease has been or is to be granted;

“lease” means a lease of the right of several fishery for shellfish conferred by article 2.

Right of several fishery

2. There is conferred on the Authority for a period of 20 years commencing on 1st July 2015 the right of several fishery for shellfish in the fishery area.

Management plan

3. The Authority must manage the fishery area in accordance with the management plan.

Review of management plan

4.—(1) In 2016 and in each year thereafter of the period referred to in article 2, the Authority must, before 1st July, review the management plan and publish an updated version of the plan on its website.

(2) At least 4 weeks before the date of such publication, the Authority must notify the interested parties in writing of any proposed changes to the management plan.

⁽¹⁾ 2009 c.23. S.I. 2010/2198 established the Southern Inshore Fisheries and Conservation District. The Southern Inshore Fisheries Conservation Authority is the inshore fisheries and conservation authority for the district by virtue of section 150 of the 2009 Act.

(3) The Authority must, before publishing the updated management plan, take account of any representations it receives in writing from any interested party on the plan or any proposed changes to it.

(4) In paragraph (3), “interested party” means—

- (a) the Secretary of State;
- (b) Natural England;
- (c) any person likely to be affected by the management plan or changes to it; or
- (d) any person whom the Authority considers may be the owner, lessee or occupier of the fishery area.

Provisions relating to leases

5.—(1) The following provisions of this article apply in relation to any lease granted or to be granted with respect to any part of the fishery area.

(2) The Authority must, in consultation with the local harbour authority, mark, or require all layings in the fishery area to be marked, in such manner as the Secretary of State may from time to time approve.

(3) The marks defining the limits of each laying to which paragraph (2) applies must be maintained in position and in good repair by the Authority or, if so stipulated in the lease, by the lessee.

(4) A lease has effect as if the right which it confers on the lessee were conferred by an order under section 1 of the Sea Fisheries (Shellfish) Act 1967, and as if any terms and conditions contained in the lease were contained in such an order.

(5) A lease must provide that it may be terminated by the Authority in the event that the lessee is in breach of any provisions of this article, or of any provision of the lease, and the Authority must take all reasonable steps to monitor compliance with such provisions.

Account of income and expenditure and other information

6.—(1) The Authority must provide to the Secretary of State annual accounts of income and expenditure under this Order and such other information relating to this Order and to the fishery area in such form and at such times the Secretary of State may reasonably require.

(2) The Authority must allow a person authorised by the Secretary of State to inspect the fishery area and all accounting records and other documents in the possession of the Authority relating to this Order and to the fishery area.

(3) The Authority must give any person authorised for the purposes of paragraph (2) such information in its possession relating to the Order and to the fishery area as that person may reasonably require.

Statutory undertakers

7.—(1) Nothing in this Order prejudicially affects the lawful activities of a statutory undertaker in exercising that undertaker’s statutory functions or authority.

(2) In paragraph 1 “statutory undertaker” has the meaning given in section 262(1) of the Town and Country Planning Act 1990⁽²⁾ and article 1(2) of the Town and Country Planning (General Permitted Development) Order 1995⁽³⁾ and includes—

(2) 1990 c.8.

(3) S.I.1995/418. The definition of “statutory undertaker” was amended by S.I. 2001/1149 and 2011/2085.

- (a) a person running a telecommunications code system, as defined in paragraph 1(1) of Schedule 4 to the Telecommunications Act 1984⁽⁴⁾; and
- (b) any person or body carrying out coast protection work within the meaning of the Coast Protection Act 1949⁽⁵⁾ in accordance with any consent or approval under that Act.

Revocation

- 8.** The Poole Fishery Order 1985⁽⁶⁾ is revoked.

George Eustice
Minister of State
Department for Food, Environment and Rural
Affairs

28th May 2015

⁽⁴⁾ 1984 c.12.

⁽⁵⁾ 1949 c.74. For references to “coast protection work” see sections 5, 6, 15 to 17, 19 to 22, and 27 to 28.

⁽⁶⁾ S.I. 1985/847.