
STATUTORY INSTRUMENTS

1985 No. 1785

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fisheries (Byelaws) Regulations 1985

Made - - - 18th November 1985

Coming into Operation 9th December 1985

The Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Wales, in exercise of the powers conferred by section 5 of the Sea Fisheries Regulation Act 1966(a), and now vested in them(b) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Sea Fisheries (Byelaws) Regulations 1985 and shall come into operation on 9th December 1985.

Interpretation

2. In these regulations —

“byelaw” means a byelaw made under section 5 of Sea Fisheries Regulation Act 1966;

“committee” means a local fisheries committee for a sea fisheries district created under section 1 of that Act;

“the Minister” means —

- (a) in relation to the Lancashire and Western Sea Fisheries District, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly;
- (b) in relation to the South Wales Sea Fisheries District, the Secretary of State for Wales;
- (c) in relation to any other sea fisheries district, the Minister of Agriculture, Fisheries and Food.

Revocation

3. The Sea Fisheries (Byelaws) Regulations 1938(c) are hereby revoked.

(a) 1966 c.38.

(b) In the case of the Secretary of State by virtue of S.I. 1978/272.

(c) S.R. & O. 1938/1182.

Making of byelaws by a committee

4.—(1) Notice of the intention to propose the making of a byelaw at a meeting of a committee shall be given in writing not less than 14 days before the date of the meeting to each member of the committee and to the Minister.

(2) Such notice shall include a draft of the byelaw.

Confirmation of byelaws

5.—(1) Subject to paragraph 4 of this regulation, a committee which intends to apply to the Minister for confirmation of a byelaw which it has made shall give notice of that intention by advertisement appearing in two consecutive weeks in such newspapers, circulating in the district for which the byelaw has been made and elsewhere if the Minister so determines, as may be approved by the Minister for the purpose of that advertisement.

(2) The advertisement must contain —

- (a) either a copy of the byelaw, or a summary of its provisions and the address where the byelaw may be inspected free of charge;
- (b) a statement that any person who wishes to object to the confirmation of the byelaw must send a statement of his objection in writing to the Minister not more than 28 days after the date of the newspaper in which the advertisement appears and that such person must send a copy of that statement to the clerk of the committee; and
- (c) the address of the clerk of the committee.

(3) Subject to paragraph 4 of this regulation, an application for confirmation of a byelaw shall be sent to the Minister not less than 28 days after the date of the newspaper in which the advertisement referred to in paragraph (2) above last appeared, together with —

- (a) a copy of the byelaw signed by the clerk of the committee;
- (b) a copy of the notice of the intention to propose the byelaw at a meeting of the committee, endorsed with a statement signed by the clerk of the committee stating that the notice was given in accordance with the requirements of regulation 4 of these regulations and specifying the date or dates on which the notice was given;
- (c) a copy of the page containing the advertisement from each newspaper in which the advertisement appeared.

(4) Paragraphs (1), (2) and (3)(c) of this regulation shall not apply to a byelaw which revokes a previous byelaw and —

- (a) re-enacts it without modifying its effect, or
- (b) makes no further enactment,

and an application for confirmation of such a byelaw may be sent to the Minister as soon as the byelaw has been made.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this 18th day of November 1985.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

Nicholas Edwards,
Secretary of State for Wales.

18th November 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations re-enact the Sea Fisheries (Byelaws) Regulations 1938 with minor and drafting amendments. The regulations prescribe procedures to be followed by local fisheries committees wishing to make byelaws under section 5 of the Sea Fisheries Regulation Act 1966 and to seek confirmation of such byelaws by the Minister of Agriculture, Fisheries and Food or the Secretary of State under section 7 of that Act.

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