
WELSH STATUTORY INSTRUMENTS

2001 No. 1338 (W. 84)

SEA FISHERIES, WALES

The South Wales Sea Fisheries District (Variation) Order 2001

Made - - - - - *29th March 2001*

Coming into force - - - - - *31st March 2001*

The National Assembly for Wales, in exercise of the powers conferred by sections 1, and 2(1) and (5) of the Sea Fisheries Regulation Act 1966(1) and now vested in the National Assembly for Wales(2), on the applications of Pembrokeshire County Council and Rhondda Cynon Taff County Borough Council, and having consulted with every local authority that would be affected, hereby makes the following Order:

Name, commencement and interpretation

1.—(1) This Order is called the South Wales Sea Fisheries District (Variation) Order 2001 and shall come into force on 31st March 2001.

(2) In this Order “the principal Order” means the order made by the Board of Agriculture and Fisheries on 27th June 1912(3) (which created the South Wales Sea Fisheries District and constituted a local fisheries committee for the regulation of the sea fisheries within that District).

Amendments to the principal Order

2. The principal Order is amended in accordance with articles 3 to 5 below.

3. For article 7 (constitution of committee) there shall be substituted the following —

“7. The committee shall be a joint committee of the county and county borough councils referred to in column 1 of the Schedule to this Order and shall consist of twenty one members appointed as follows—

-
- (1) 1966 c. 38, amended by the Environment Act 1995 (c. 25) section 102; see section 20(1) for the definition of “the Minister”. References in the 1966 Act to a river authority should be read with the Water Act 1973 (c. 37) section 33, the Water Act 1989 (c. 15) section 141 and Schedule 17, paragraph 1, and the Environment Act 1995 section 105 and Schedule 15, paragraph 2.
- (2) By S.I. 1978/272 the functions of the Minister of Agriculture, Fisheries and Food under the Sea Fisheries Regulation Act 1966 were, so far as they were exercisable in relation to Wales, transferred to the Secretary of State. Those functions of the Secretary of State were then transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of the Water Act 1989 section 141 and Schedule 17, paragraphs 1(3) and (4)(a), functions exercised separately by the Minister of Agriculture, Fisheries and Food and the Secretary of State in respect of different water authorities or water authority areas are to be exercised concurrently by them.
- (3) S.R. and O. 1926/1121 as varied by S.I. 1953/443, 1973/2203 and 1980/823.

- (a) the number of members appointed by each constituent council shall be the number indicated in relation to the council in column 2 of the Schedule to this Order ;
- (b) nine members shall be appointed by the National Assembly for Wales;
- (c) one member shall be appointed by the Environment Agency.”.

4. For article 17 (expenses) there shall be substituted the following —

“Expenses

17.—(1) Subject to paragraph (2) below, the expenses of the committee, other than those which may be required to be incurred under section 17(2) of the Act, shall be chargeable jointly to the constituent councils in the respective amounts for each financial year set out in Column 3 of the Schedule to this Order opposite the reference to each constituent council and shall be expenses for general county or county borough purposes.

(2) In the event of the committee being required to incur any unforeseen expenses which cannot be met by the amounts charged to the constituent councils under paragraph (1) above, then those unforeseen expenses shall, in addition, be referred to the constituent councils for consideration and defrayed jointly by them in the respective percentages set out in Column 4 of the Schedule to this Order opposite the reference to each constituent council and shall be expenses for general county or county borough purposes.

(3) The Committee may decide that the figures set out in Column 3 of the Schedule shall be increased for budgetary years from 2002/03 onwards by a figure not exceeding the annual rate of inflation, which rate shall in the event of disagreement by any constituent council be determined by the National Assembly for Wales.”

5. For the Schedule there shall be substituted the Schedule set out in the Schedule to this Order.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (4) 29th March 2001

D. Elis Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 5

“SCHEDULE

Articles 7 and 17

CONSTITUTION AND EXPENSES

| Column 1 Constituent Councils | Column 2 Number of Members | Column 3 Contribution towards expenses etc per financial year £ | Column 4 Percentage of unexpected expenses payable per financial year |
|--|-------------------------------|---|---|
| Cardiff County Council | 1 | 10,825 | 3% |
| Carmarthenshire County Council | 2 | 85,000 | 24% |
| Pembrokeshire County Council | 2 | 85,000 | 24% |
| Swansea County Council | 2 | 85,000 | 24% |
| Bridgend County Borough Council | 1 | 28,333 | 8% |
| Neath Port Talbot County Borough Council | 2 | 38,958 | 11% |
| The Vale of Glamorgan County Borough Council | 1 | 21,250 | 6%” |

EXPLANATORY NOTE

(This note does not form part of the Order).

This Order further varies an Order made by the Board of Agriculture and Fisheries on 27th June 1912 (as amended) to establish the South Wales Sea Fisheries District.

The Order varies the constitution of the local fisheries committee for the district to provide for the withdrawal from the committee of Rhondda Cynon Taff County Borough Council. Nevertheless, the boundaries of the Sea Fisheries District remain unchanged.

The number of representatives from each council and the amount of each council’s contribution to the expenses of the committee is specified (articles 3 and 4 and the Schedule).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*