STATUTORY INSTRUMENTS

1973 No. 2196

SEA FISHERIES

The Devon Sea Fisheries District (Constitution of Committee and Expenses) (Variation) Order 1973

Laid before Parliament in draft

Made - - - 19*th December* 1973

Coming into Operation 1*st April* 1974

The Minister of Agriculture, Fisheries and Food, on the application of the local fisheries committee for the Devon Sea Fisheries District and after consultation with every county council concerned, in exercise of the powers conferred on him by section 1 of the Sea Fisheries Regulation Act 1966(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Devon Sea Fisheries District (Constitution of Committee and Expenses) (Variation) Order 1973 and shall come into operation on 1st April 1974.

(2) In this Order—

"the principal order" means the order made by the Board of Trade on 31st March 1892(b) (which created the Devon Sea Fisheries District and constituted a local fisheries committee for the regulation of the sea fisheries within that district) as varied by the Devon Sea Fisheries Committee (Variation) Order 1970(c);

"first members" means the first members of the Committee as varied by this Order;

"quadrennial period" means the period of four years beginning with 1st July 1973 and with every fourth anniversary of that day.

(3) The Interpretation Act 1889(d) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Variation of Principal Order

2. For Articles 2 and 3 of the principal order (constitution of committee and expenses) there shall be substituted the following Articles:—

"Constitution of Committee

"2. A local fisheries committee (in this Order called "the Committee") shall

(a) 1966 c.38. (b) Parl. Papers 1892 No. 132. (c) S.I. 1970/370.
(d) 1889 c.63.

be constituted for the regulation of the sea fisheries within the said district. The Committee shall be a joint committee of the County Councils referred to in column 1 of the Schedule to this Order and shall consist of twenty members. The number of members appointed by each constituent Council shall be the number which is set out in column 2 of the Schedule opposite the reference to such Council. Eight additional members shall be appointed by the Minister of Agriculture, Fisheries and Food and one additional member each by the South West Water Authority and the Wessex Water Authority. Retiring members shall be eligible for re-appointment.

"3. The first members shall come into office on 1st April 1974 or, in the case of a first member who is for any reason appointed after that day, on the day on which the appointment is made, and shall hold office until the end of June 1977.

"Any subsequent members shall come into office at the beginning of the quadrennial period next following the day on which they are appointed and shall hold office for that quadrennial period: Provided that if for any reason any member is appointed on or after the beginning of a quadrennial period, he shall come into office on the day on which he is appointed and shall hold office for the remainder of that quadrennial period.

"4. On the occurrence of any casual vacancy in the Committee by death, resignation, or otherwise, the body by whom the vacating member was appointed may fill up the vacancy by a fresh appointment. It shall be the duty of the Clerk of the Committee forthwith to notify every such vacancy to the appointing body. No defect in the appointment of any person acting as a member of the Committee shall vitiate any proceedings of the Committee in which he has taken part.

"Expenses

"5. The expenses of the Committee shall be chargeable to the constituent Councils in the respective proportions set out in column 3 of the Schedule opposite the reference to each constituent Council and shall be expenses for general county purposes."

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th December 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

SCHEDULE

(CONSTITUTION AND EXPENSES)

Column 1	Column 2	Column 3
Constituent Councils	Number of Representatives	Proportion of Expenses (per cent)
Cornwall County Council	1	6
Devon County Council	9	94

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order varies the constitution of the Devon Local Fisheries Committee (constituted in 1892 by order of the Board of Trade under the Sea Fisheries Regulation Act 1888 (c.54)) in consequence of the establishment of new local government areas in England and Wales under the Local Government Act 1972 (c.70). The County Councils of Devon and Cornwall are made constituent Councils of the Committee and consequential adjustments are made to the Committee's membership, to members' tenure of office and to the liability of constituent Councils to contribute to the Committee's expenses.