

Election of Chair

Background

The Association's Standing Orders require that the Chair of the Association is elected biennially at the annual meeting. This is the first annual meeting that has taken place since this period of time has elapsed for the current Chair, Dr Sue Utting. It is therefore appropriate to elect a chair once again.

Recommendations

1. That the Directors of the Association should elect a Chair.
2. That a letter should be sent to the Minister confirming the outcome of this election.

1. Chairing the Association

- 1.1 The Articles of Association allow the Directors to appoint a Chair. The duties of the Chair and the relevant skills and experience are set out in the Standing Orders for the Association (the relevant sections of each are appended at Annex A).
- 1.2 The Articles of Association require that any resolution such as the appointment of a Chair is put to a vote of the Directors, either by show of hands or if necessary a poll.

2. Candidates

- 2.1 The existing Chair, Dr Sue Utting, has indicated that she would welcome re-election as Chair.
- 2.2 Alternative candidates that meet the requirements set out in Annex A could also be considered for this position if proposed at the meeting.

3. Additional matters

- 3.1 The Articles of Association require that formal notice of the election of the Chair shall be submitted to the Minister for approval. If no communication is received to the contrary from the Minister within 30 days, approval is deemed to have been granted.

MSFOMA Secretariat
July 2012

Annex A: Extracts from Articles of Association and Standing Orders concerning the appointment of the Chair

Extract from Articles of Association

[...]

16. Chairing of directors' meetings

(1) Subject to article 16(2), the directors may appoint a director to chair their meetings. Any such appointment is required to be approved by the Minister in writing. If no communication is received from the Minister within 30 days of the date of a written request for approval of such appointment made by the directors, the Minister is deemed to have given his approval.

(2) If it so elects by notice in writing to the directors, the Welsh Assembly Government shall be entitled to appoint the chair of directors' meetings.

(3) The person so appointed for the time being is known as the chairperson.

(4) If the chairperson is not participating in a directors' meeting within fifteen minutes of the time at which it was to start, the participating directors must appoint one of themselves to chair it.

Extract from Standing Orders

2. Role of Chair of the Board and Members

The Chair of the Board and Members has a dual role – both as the Chair and, simultaneously, as a member. These roles are more specifically set out below:

2.1. Organisation Objectives

- 2.1.1. Provide coherent leadership for the Company, including representing the organisation in the public domain.
- 2.1.2. Understanding the views of stakeholders, including the Welsh Assembly Government.
- 2.1.3. Providing guidance to the Board and the Members to ensure the Company acts within its objects set out in the Articles.

2.2. Board Facilitation and Meetings

- 2.2.1. Leadership of the Board, ensuring its effectiveness on all aspects of its role and setting its agenda.
- 2.2.2. Facilitate Board meetings.
- 2.2.3. Set Board meeting timetable.
- 2.2.4. Scrutinise Board papers.
- 2.2.5. In particular the Chair of the Board and Trustees:

2.2.5.1. should make efficient use of Board time by ensuring Board agendas are focused on the objects of the Company set out in the Articles.

2.2.5.2. is responsible for managing the business of the Board to ensure that sufficient time is allowed for discussion of complex or contentious issues and, where appropriate, arrange for informal meetings beforehand to enable thorough preparation for Board discussion.

2.2.6. Ensure an effective and fully informed decision making process is employed by the Board.

2.2.7. Encourage active engagement by all members of the Board.

2.2.8. Facilitate change and address conflict within the Board.

2.2.9. Take the lead in providing a properly constructed induction programme for new directors that is comprehensive, formal and tailored.

2.3. **Organisation Governance**

2.3.1. Liaise with committees of directors in order to assess and, if appropriate, approve their decisions.

2.4. **Communication**

2.4.1. Ensure the provision of accurate, timely and clear information to directors (to enable the Board to take sound decisions, monitor effectively and provide advice to promote the Company's objects).

2.4.2. Ensure effective communication with stakeholders, including the Welsh Assembly Government.

2.4.3. Where required, assist and initiate fundraising opportunities.

2.5. **Operation of Organisation**

2.5.1. Monitoring implementation of Board decisions.

2.6. **Required Skills**

2.6.1. In-depth knowledge of shellfisheries and their management, either in the Menai Strait or otherwise in the United Kingdom.

2.6.2. Independent from the Members and proposed members of the Company, as listed in article 21(1)(a) to (g) of the Articles.

2.6.3. Previous experience as chairperson of an organisation, preferably similar to the Company, is desirable.

[...]

4. Election of Chairperson

- 4.1. The Chairperson of the Board and Members shall be elected biennially by the procedure set out in article 16 of the Articles.
- 4.2. The Chairperson shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairperson.
- 4.3. The election of the Chairperson shall be the first business transacted at the annual meeting of the Company.

Fishery Activity

Background

One of the conditions of the Menai Strait Fishery Order is that an annual report is submitted to the Minister, summarising all activity in the Order in the previous 12 months.

The report for 2010-11 was submitted to the Minister in October 2011, and reviewed at the October 2011 meeting. A verbal update of current activity will be presented to the meeting, and the 2010-11 report is appended for information.

Recommendations

1. That the report be accepted.

1. Summary of activity

- 1.1 A verbal report of activity during 2011-12 will be presented to the meeting.
- 1.2 The annual report to the Minister for 2010-11 is attached at Annex A. In summary:
 - a) **Hand gathering** – 2 licences were issued, generating £300 income.
 - b) **Cultivation** – 6 areas are leased, generating £12,650 income.
 - c) **Production** – 150t of mussels were produced for UK consumption and 8,000t for export, with a total value of around £4.28M. A further 4,600t of mussels were taken from the fishery for relaying elsewhere, giving total production of 12,750t for the year.
 - d) **Relaying** – 5,380t of mussels were relayed from Morecambe Bay and 400t for Caernarfon Bar.
- 1.3 The report highlights achievements during the year, notably the MSC certification of the fishery and also the inauguration of this Association as the Grantee of the Order. It also draws the Minister's attention to concerns about *Didemnum vexillum* and the precautions taken to avoid spreading Chinese Mitten Crabs.

2. Report for 2011-12

- 2.1 The previous Grantee of the Order used to seek information about activity in the previous year after the operators had been able to finalise their accounts and catch data. We shall shortly be compiling this information ready for the 2011-12 report, which will be presented to the next Association meeting.

MSFOMA Secretariat
July 2012

Annex A: Annual Report 2010-11



Welsh Assembly Government
Fisheries Unit
Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
SY23 3UR

Official Use Only

Sea Fisheries (Shellfish) Act 1967 (as amended)
Several and Regulating Orders

Annual Report of the Grantee

Year Ending April 2011

For Menai Strait East Fishery Order

PART 1 – REGULATING ORDERS

1. How many licences have been issued during the year? 2

2. How many licences were issued for: • Boat licences
and

• Dredge licences

What charge was made per licence • Boat licences £

• Dredge licences £

3. What were total receipts from licence fees? £ 300

4. Were any other licences issued? YES ☐ NO ☒

If **NO** please go to question 5. If **YES** please give the following information

Type of licence	Number Issued	Cost per licence
Hand worked	2	£150.00

5. Are there any leases in the fishery? YES ☐ NO ☐

If **NO** go to Part 2. If **YES** please complete a, b and c below.

a. How many leases are there in the fishery?

b. What is the total amount of rents from those leases? £

c. Please attach an up-to-date list of lessees and the size of the areas leased by each

PART 2 – SEVERAL ORDERS

6. a. What is the total number of grantee numbers? 5
- b. Please attach:
- an up-to-date list of names, addresses and occupations of all grantees or company members; and
 - the latest rule book of the grantee company (if different from previous year).
7. Do you have a waiting list? YES ☒ NO ☐
If YES please attach a copy
8. Are there any leases in the fishery? YES ☒ NO ☐
If NO go to Part 3. If YES please complete a, b and c below.
- a. How many leases are there in the fishery? 6
- b. What is the total amount of rents from those leases? £ 12650.00
- c. Please attach an up-to-date list of lessees and the size of the areas leased by each. -(list as in previous years but attached)

PART 3 – SHELLFISH TAKEN FROM THE FISHERY

Type of Shellfish	For Consumption			For relaying to another fishery	
	Home Market (tonnes)	Export (tonnes)	Value (£1)	England and Wales (tonnes)	Export (tonnes)
Native Oysters					
Pacific Oysters					
Mussels	150	8,000	£4.28m	4400	200
Cockles					
Clams					
(specify					
species)					
Scallops					
Queens					
Lobsters					

PART 4 – SHELLFISH LAID DOWN IN THE FISHERY

Type of Shellfish	Quantity (tonnes/number (as appropriate))	Seed fattening (Enter YES or No)	Origin
Native Oysters			
Pacific Oysters			
Mussels	5380 / 400	Yes	Morecambe Bay (S America) / Caernarfon
Cockles			
Clams			
(specify			
species)			
Scallops			
Queens			
Lobsters			

PART 5 – ACTIVITY IN THE FISHERY

a. Please specify what action you have taken to:

- carry out works of cultivation;
- develop the fishery;
- to control pests during the year;
- comply with your management plan?

The Menai Strait Fishery Order Management Association (MSFOMA) took over responsibility for the 1962 Menai Strait East Fishery Order on the 1st April 2010. The composition of this group is intended to reflect the range of interested parties and includes participants from local government (Ynys Mon, Gwynedd), statutory agencies (CCW, EA), academia (Bangor University) and Industry (from both the licensed handpicking and the leased cultivating elements of the order), with a representative from the Welsh (assembly) government attending as an observer. This association is chaired by an independent member, Dr Sue Utting – a former CEFAS scientist who has considerable experience in matters associated with the management of shellfish. To facilitate effective functioning of the group, the association has had the benefit of the experience of Dr. Jim Andrews, who was for some time the Chief Sea fisheries officer of the North Western and North Wales Sea Fisheries Committee (NWNWSFC) (the body with responsibility for the order prior to 1st April 2010). Dr Andrews has traded as a consultant since 2007 and this association has engaged his services on a number of occasions during this first year of operation. Whilst not all participants have become members of the association to date (membership has been taken up by LA's, Bangor University, Chair, Industry), all participants have played a full roll in considering issues.

The MSFOMA met quarterly during the year 1st April 2010 – 31st March 2011 to consider matters associated with the appropriate functioning of the order. A number of management measures have been carried over during the first 12 months to maintain a level of consistency with the management approaches taken by the NWNWSFC – such as the maintenance of the approach taken toward the issuance of handpicking licences. It is probable that, over time, if the Association is alerted to matters that require an alternative approach, that this will be considered in the appropriate context.

In respect of the licensed fishery – 2 permits were issued that took effect from 1st September 2010. An informal stock assessment of the biomass available to pick was undertaken in July 2010, which concluded that there had been only limited recruitment to the licensed area and as such, consistent with the NWNWSFC approach, licence were offered to those individuals who had held these in the immediate past. Returns from this fishery have been collected which have been complied and suggest low intensity of activity.

IN respect of the leased fishery – the operators have maintained and developed the different areas under cultivation, albeit within the overall framework indicated through the appropriate assessment (B Cook 2009) to ensure compliance with conservation management issues. IN excess of 8,000 metric tonnes of mussel was sent to the market place – although due to overall pressure on prices, the value of this output was lower than in recent years, with a total value of £4.3 million. Mussel seed was imported to the Fishery from both Caernarfon (in June 2010) and Morecambe Bay (August 2010), with only a small fishery evident in Caernarfon (<500t), a more significant amount being sourced from Morecambe (>4,000t).

IN December 2010, the Fishery and operators (through the identity of Bangor Mussel Producers Ltd (a Joint company equally owned Myti Mussels Ltd, Extramussels Ltd, Deepdock Ltd and Ogwen Mussels Ltd)) became the first enhanced fishery globally to be certified as fully sustainable by the Marine Stewardship Council (MSC) this being the culmination of a process some 18 months in structure.

If necessary, please continue on a separate sheet and tick this box



PART 5 – ACTIVITY IN THE FISHERY (CONTINUED)

b. What observations have you on the condition of the fishery, or any developments which made the operation of the fishery more difficult?

The period April 1st 2010 to 31st March 2011 represents the first year that MSFOMA has had the responsibility for the functioning of the order. The condition of the fishery in a general sense is good and the outlook is positive, significant amounts of mussel seed have once again been evident in the Morecambe bay area which bodes well for the output from the fishery in future years.

AS MSFOMA were tasked with undertaking responsibility for the Fishery order, as were Welsh Assembly Government so tasked with regard to inshore fisheries management. The applications that operators from the Menai Strait must make to fish mussel seed (juvenile mussels) within Welsh waters must thus be considered by WG. In the same sense that it has taken MSFOMA some little time to find its feet, the same is true with regard to WG and the specific issue of authorisation to access the seed resource – as it is not a conventional type of undertaking. A system of management had developed over some time with the SFC to facilitate this, and the hope is that likewise over time, and perhaps with the assistance of MSFOMA, WG can develop a system that functions in a timely efficient way that incorporates issues of environmental management, without jeopardising access to this ephemeral resource. However again, the indications are positive in this regard

Of considerable concern to MSFOMA has been the application for a Fishery Order in Morecambe Bay, given the significance of the South America seed resource to the Menai Strait sector. Representatives from MSFOMA held three meeting with the NWSFC / now NWIFCA to discuss the proposal and made comments on the draft reports dispersed. We have been greatly encouraged by this dialogue with both Dr Stephen Atkins (CEO of the NWIFCA) and Ms Mandy Knott (Scientific Officer of NWIFCA) and consider the development to be of great importance in ensuring the future sustainable utilisation of the mussel resource within the NE Irish Sea.

The MSFOMA remains on high alert with regard to activities that may directly or indirectly cause harm to the fishery, such as invasive non native species and ill thought out developments.

If necessary, please continue on a separate sheet and tick this box ☐

Signature

For and on behalf of

Name in BLOCK LETTERS

Date

Please tick the appropriate box(es) to indicate the documents attached:

	YES	NO		YES	NO
• an up-to-date list of lessees and the size of the areas leased by each (question 5(c))	<input type="checkbox"/>	<input type="checkbox"/>	• a waiting list (question 7)	<input type="checkbox"/>	<input type="checkbox"/>
• an up-to-date list of names, address and occupations of all grantees or company members (question 6(b))	<input type="checkbox"/>	<input type="checkbox"/>	• an up-to-date list of lessees and the size of the areas leased by each (question 8))	<input type="checkbox"/>	<input type="checkbox"/>
• the latest rule book of the grantee company (question 8(c))	<input type="checkbox"/>	<input type="checkbox"/>	• continuation sheet(s) for Part 5(b)	<input type="checkbox"/>	<input type="checkbox"/>
			• continuation sheet(s) for Part 5(a)	<input type="checkbox"/>	<input type="checkbox"/>

Part 5 a – (Contd)

This resulted in considerable favourable press attention for the operators and for the fishery on a local, national and international scale.

The Menai Strait seed mussel code of good practice has been utilised, in order to interpret the temporal opening available for movements of seed mussel from Morecambe – given the discovery of 2 individual Chinese mitten crab in the River Duddon in 2005 – a precautionary approach was taken in this instance. There is some belief within the community – including Natural England – that if this species had become established with this Estuary, then more individuals would have been discovered in the intervening period.

The Association supported in principle, the allocation of some funds toward the continuing programme to contain and eradicate the invasive ascidian, *Didemnum vexillum*, from Holyhead marina. CCW had initially thought that the approach taken in 2009/2010 had succeeded in removing this highly invasive sea squirt from the local environment – however this conclusion appeared to be premature as further investigation determined considerable resettlement. Given the threat that this species poses to the mussel beds within the fishery order, MSFOMA agreed to assist in whatever way deemed acceptable in respect of future management strategies.

MSFOMA was approached by the Isle of Anglesey County Council, seeking consent for activities associated with the refurbishment of Beaumaris pier – which after assurance were provided by the Council with regard to invasive non native species and any sedimentation – MSFOMA provided, as the southerly limit of the refurbishment extended within the boundaries of the Fishery Order – albeit into a non leased area.

Management of the fishery has been undertaken on a consistent and science based approach with due regard to other activities occurring within the local area and region.

Moorings in the Menai Strait

Background

The Menai Strait is a popular area for recreational yachting. Many yachts are moored in the Strait. There are generally good relations between the yachting fraternity and the mussel farmers in the Strait. From time to time disputes have arisen when moorings have interfered with mussel farming activity.

At a meeting in the Royal Anglesey Yacht Club in June 2012, a paper was presented by Lt. Col. Burkham (Retd.), a Beaumaris resident who has held concerns about the relationship between mussel farming and yachting for some time. This report considers the most appropriate response for the Association to make to Lt. Col. Burkham's comments.

Recommendations

1. That the Association should consider this report and respond to both Lt. Col. Burkham (Retd) and the Royal Anglesey Yacht Club on this matter.

1. The Issue of concern

- 1.1 The paper presented by Lt. Col. Burkham (Retd.) is attached at Annex A.
- 1.2 In a nutshell, the concern raised is that some of the moorings laid within the Fishery Order area are illegal. Particular concern is raised about the deep water moorings laid in the Port of Beaumaris and also the temporary moorings laid within the Swatch for the Annual Regatta.
- 1.3 A further concern raised in the paper is that the Grantee (i.e. this Association) has a legal duty to remove moorings, and that failure to do so could result in the "*loss of Grantee status.*"
- 1.4 The solution proposed is that the area of deep water moorings is removed from the Fishery Order area and that the Grantee of the Fishery Orders should enter into an agreement to authorise the laying of temporary moorings in the Swatch.

2. Analysis of issues

- 2.1 Whilst the paper presented in Annex A appears on first reading to be quite plausible, on closer analysis both the issues raised in it and consequently the proposed solutions seem to stem from a fundamental misunderstanding of both the legislation and the 2008 rulings on this matter.
- 2.2 Taking the key issues in turn, the actual situation is as follows:-
 - a) **Deep water moorings** – these cannot be illegal since they are not within a cultivated area (although they are within the boundary of the Regulated

Fishery established by the Menai Strait Oyster and Mussel Fishery Order 1962). There is no problem and thus no need for a solution.

- b) **Temporary moorings** - the moorings in the Swatch are laid with the agreement of the Grantee for that area (the lay holder, Deepdock Ltd). Whilst informal, this agreement removes the basis for subsequent legal action by the Grantee. The moorings have essentially been place there by an “agent” of the Grantee.
- c) **Dereliction of duty** - this issue is rendered irrelevant by the observations above. There can be no dereliction of duty if there have been no transgressions to deal with. However, even if there had been transgressions, the Association is advised that the power to take action in response to transgressions is discretionary, and that there is no obligation to act.

2.3 The Association meeting will provide an opportunity to discuss these points in more detail.

3. Response to the parties

- 3.1 It would seem to be appropriate to advice Lt. Col. Burkham (Retd) and the Royal Anglesey Yacht Club of this Association’s views on these matters. Draft letters for each party are attached at Annexes B and C of this report for Members to consider and amend as necessary.

MSFOMA Secretariat
July 2012

Annex A: Paper submitted by Lt. Col. Burkham (Retd.).

Position on moorings within the registered Port of Beaumaris

The facts:

1. We are concerned over the future uncertainty of the deep-water moorings in the Port of Beaumaris. Under the Royal Charter of Queen Elizabeth I, Beaumaris Town (which ran the Port) was given the control of all the waters from Puffin Isle to the Swellies. This has never been repealed.
All the deep-water, and some drying moorings are within the 1962 designated Fishery area.
2. We understand that the moorings which were laid before 1962 were protected under the Charter and subsequent guarantees to the rights of Beaumaris and the Crown Estate, so that new moorings were laid, even within the newly created Fishery area. After the ruling in the High Court 2008, this changed. The protection only applied to work already done and did not permit new work/moorings. This is why the County Council leases for the moorings now carry a warning that lessees should take their own legal advice as to the legality of the moorings.
3. This means that no new moorings can be laid within the designated fishery area.
4. This area of moorings is not, and has never been leased for, the cultivation of shellfish.
5. As the pre 1962 moorings are protected, so the embargo in this area on new moorings would seem to be unnecessary, since the cultivation of shellfish within the area would be very difficult.
6. The grantee of the designated fishery area has a duty to ensure that no transgression of the rules governing a designated fishery area, such as the laying of moorings, are allowed. The penalty could be loss of the grantee status. This means it has a legal duty to remove moorings laid after February 1962.

The implications:

1. The growth of tourism and in particular the encouragement to potential new sailing people is made uncertain by the present status of the moorings. In addition a number of boat owners of long standing, including NWVYC, are contemplating a move to more certain waters.
2. The area needs to have more visitor moorings to attract more visitors to our waters.
3. The future of Beaumaris and its economy, so dependent on tourism, the leisure trade, and visiting boats is potentially jeopardised.
4. The laying of temporary moorings in the Swatch for Regattas, since they have been on-going since well before 1962, may be legal, after the 2008 ruling, but they are within a leased fishery area and have to raise questions. This uncertainty must be removed so that there is no chance of Beaumaris losing the Annual Regattas.

The solution:

1. The current moorings area is not, and has never been leased/used for shellfish fishing. The Welsh Assembly Government can remove the deep-water moorings area from the designated fishery area, under either section 1 or section 5 of the 1967 Sea Fishery Act as the area is not used for cultivation and possibly could never be.
2. We would propose that all interested bodies should unite to petition the WAG to do just that. It would then solve all the problems and uncertainty for all sides.
3. An agreement be signed by the Grantee of the fishery and all other interested parties confirming that the laying of temporary Regatta moorings in the Swatchway is protected by the 2008 Judgement and that precedence before the creation of the 1962 Fishery are legal.

Annex B: Proposed Draft Response to Lt. Col. Burkham (Retd.)

Dear Lt. Col. Burkham (Retd.),

STATUS OF MOORINGS IN THE EASTERN MENAI STRAIT

We are writing further to the recent discussion at the Royal Anglesey Yacht Club concerning the legal status of moorings in the Menai Strait.

After discussions with our advisors, we are satisfied that the moorings located in the Fishery Order area outside of cultivation areas are not affected in any way by the existence of the Order. We are also satisfied that any and all of the arrangements agreed between the Grantees and third parties for the installation and operation of moorings, even within cultivated areas, are also consistent with the provisions of the legislation and there is thus no uncertainty about their status.

We have reviewed the relevant statutory provisions relating to the matters you have raised and can find no duties or obligations that the Grantees have neglected, and thus no basis for withdrawal of the Order.

This Association is keen to maintain and develop good relations with the boating community in the Menai Strait. We trust that this letter will reassure you, and thank you for the opportunity to address these issues conclusively.

Yours sincerely

SUE UTTING
Chair, MSFOMA

Annex C: Proposed Draft letter to Royal Anglesey Yacht Club

Dear

STATUS OF MOORINGS IN THE EASTERN MENAI STRAIT

We are writing further to the recent discussion at the Royal Anglesey Yacht Club concerning the legal status of moorings in the Menai Strait.

After discussions with our advisors, we can confirm that any moorings located within the Menai Strait and outside the designated cultivation areas are entirely legal. The existence of the Menai Strait Oyster and Mussel Fishery Order is no impediment to the installation of additional moorings in those parts of the Strait outside the cultivated areas.

This Association and the mussel farmers in the Menai Strait are keen to maintain and foster the good relations between our industry and the boating community in the Menai Strait through the agreement of temporary arrangements (such as the moorings in the Swatch) which will facilitate summer time recreational activity in the area wherever this is possible.

We are quite certain that this can continue to be done in a manner that satisfies all legal requirements and avoids the issues raised in the document prepared by Lt. Col. Burkham (Retd.).

We hope that this letter provides you with formal assurance of our good intentions and an indication of our goodwill towards the boating community.

Yours sincerely

SUE UTTING
Chair, MSFOMA

North West IFCA Activity

Background

The North West Inshore Fisheries and Conservation Authority (NW-IFCA) is responsible for the management of inshore fisheries between the Dee and the Solway in north-west England.

During 2011 the NW-IFCA proposed new management areas for their District that could affect the future of the Menai Strait fishery. This report provides an update on these proposals.

Recommendations

1. That this update is accepted, and the Association is kept informed of progress with this matters.

1. Morecambe Bay Fishery Order Proposal

- 1.1 The NW-IFCA has submitted its application for a Morecambe Bay Fishery Order to Defra. Defra and NW-IFCA officers report that work is being carried out to draft an Order that will be the subject of public consultation, probably later this year.
- 1.2 Providing that the proposed Order and the management plan have taken account of the earlier comments submitted by this Association, it is anticipated that they should have no adverse effect on shellfish cultivation in the Menai Strait.

2. Vessel size restrictions

- 2.1 Proposals to introduce new restrictions on the size of fishing vessels that would be permitted to operate in the NW-IFCA District were discussed at the meeting of this Association in October 2011 and again in February 2012.
- 2.2 We have recently obtained a verbal update from NW-IFCA officers on the progress with this byelaw. We are advised that no further progress has been made with the procedure or implementing this byelaw. We have been reassured that the byelaw would be published for public consultation before coming into force, which would give an opportunity for further comment if the issues that we have raised have not been fully addressed.
- 2.3 Officers have reassured us that the concerns raised by the Association will be taken into account. We note that sufficient time has now passed to allow the IFCA to formally re-make the byelaw, and it may be appropriate to write to the Chair of the IFCA to request this.

MSFOMA Secretariat
July 2012

Developing the Association

Background

This Association was established on 1st April 2010 for the sole purpose of acting as Grantee of the Menai Strait Oyster and Mussel Fishery Order area. Over the past 2 years, the Association has been invited to adopt a similar role for other shellfish production areas in North Wales, notably the Western Menai Strait and the Conwy Estuary.

These requests were considered in some detail at our February meeting. This report provides an update on progress.

Recommendations

1. That the Association should resolve to develop its role to encompass both the Menai Strait West and Conwy Estuary areas.
2. That the Association should review and comment on the proposed changes to the Articles of Association and Standing Orders appended to this report.
3. That action is taken to progress changes to the Articles of Association after further reviews are made through a Written Resolution made under the Companies Act.

1. Remit of the Association

- 1.1 When this Association was established in 2010, it was given a very specific remit to act as the Grantee for the Menai Strait Oyster and Mussel Fishery Order 1962. This remit forms part of the Articles of the Association.
- 1.2 Members are advised that we must follow a formal procedure for amending the Articles of Association, and that a copy of the amended Articles must be sent to Companies House. There are essentially two procedures that can be followed: either a special resolution (agreed at a meeting) to make the appropriate changes; or a written resolution (agreed to and signed by the Directors of the Association) which can be made independent of the cycle of meetings.
- 1.3 Some proposed changes to the Articles of Association are enclosed at Annex A. Some minor changes will also be required for the Standing Orders of the Association. Proposed changes are enclosed at Annex B. All changes are marked up in the text so that it is clear what has been inserted and removed from the documents.
- 1.4 Once approved by a lawyer these could be formally adopted by this Association through a Special or Written Resolution.
- 1.5 Members views are invited on the text included at Annex A and B.
- 1.6 There is no statutory requirement to consult the Minister about these changes, but it would seem to be both appropriate and courteous to provide formal notification of these intended changes in advance.
- 1.7 There is no requirement for public consultation over these changes.

2. Menai Strait (West) Fishery Order

- 2.1 The Association is advised that good progress is being made with the proposed new Menai Strait (West) Fishery Order. This would be a new Order made to replace the one that lapsed in 2008 without being replaced by the Grantee at that time (the NW&NWSFC).
- 2.2 In December 2011 the Chair of the Association wrote to the Crown Estate Commissioners concerning the proposed new Fishery Order, which will cover land that is managed by the Commissioners on behalf of the Crown. The Crown Estate's response is attached at Annex C of this report. A proposed reply to the Crown Estate is attached at Annex D.
- 2.3 It is understood that a representative from the Menai Strait (West) Fishery Order proponents will be attending the meeting and will be able to give a verbal update on the status of this proposal.
- 2.4 The Association will recall that a draft "Memorandum of Understanding" was drawn up to set the terms of reference between the proponents of this Fishery Order (who will be liable for all costs associated with its introduction) and the Association (who might act as the Grantee if this is appropriate). This memorandum was discussed at the Association meeting in February. A draft of this Memorandum is attached at Annex E as an *aide memoire* to inform discussions in this meeting.

3. Conwy Fishery Order

- 3.1 The Conwy Estuary mussel fishery was managed under a "Regulating Order" for nearly 100 years ending when the 1948 order lapsed in 2008 without being replaced by the Grantee at the time (the NW&NWSFC).
- 3.2 At the last meeting of the Association there was a favourable response to the idea of acting as Grantee for any new Fishery Order that might be established for the Conwy area.
- 3.3 A meeting of the interested parties around the Conwy is scheduled for the 13th July, and a verbal report of the outcome of this meeting will be tabled at the Association meeting.

4. Sharing costs

- 4.1 At our February meeting there was some discussion about how administrative costs should be shared if this Association becomes the Grantee for more than one Order. No clear solution could be identified at that time.
- 4.2 It would seem to be appropriate to revisit this matter at our meeting, particularly given the presence of one of the proponents of the Menai Strait (West) Order, who would be able to provide an update on current thinking on this matter from that perspective.

Annex A: Proposed Amendments to Articles of Association

PART 1

INTERPRETATION AND LIMITATION OF LIABILITY

Defined terms

1. In the articles, unless the context requires otherwise—

“**articles**” means the Company’s articles of association;

“**bankruptcy**” includes individual insolvency proceedings in a jurisdiction other than England and Wales and Northern Ireland which have an effect similar to that of bankruptcy;

“**chairperson**” has the meaning given in article 16;

“**chairperson of the meeting**” has the meaning given in article 31;

“**Companies Acts**” means the Companies Acts (as defined in section 2 of the Companies Act 2006), in so far as they apply to the Company;

“**Conwy Estuary**” means that part of the foreshore and bed known as the Conwy Estuary described in section X of the Conwy Estuary Fishery Order 201X;

“**Conwy Fishery Order**” means the Conwy Estuary Fishery Order 201X as amended by any statutory modification or re-enactment thereof from time to time in force

“**director**” means a director of the Company, and includes any person occupying the position of director, by whatever name called;

“**document**” includes, unless otherwise specified, any document sent or supplied in electronic form;

“**electronic form**” has the meaning given in section 1168 of the Companies Act 2006;

“**Eligible Director**” means any Eligible Industry Director, any Eligible Local Authority Director or any Eligible Environmental Director (as the case may be);

“**Eligible Environmental Director**” means an Environmental Director who would be entitled to vote on the matter at a meeting of directors (but excluding any Environmental Director whose vote is not to be counted in respect of the particular matter);

“**Eligible Industry Director**” means an Industry Director who would be entitled to vote on the matter at a meeting of directors (but excluding any Industry Director whose vote is not to be counted in respect of the particular matter);

“Eligible Local Authority Director” means a Local Authority Director who would be entitled to vote on the matter at a meeting of directors (but excluding any Local Authority Director whose vote is not to be counted in respect of the particular matter);

“Environmental Director” means a director of the Company appointed by either the Countryside Council for Wales or the Environment Agency;

“Environmental Member” means either the Countryside Council for Wales or the Environment Agency;

“Fishery Areas” means the Menai Strait East, Menai Strait West and Conwy Estuary as defined in these terms;

“Fishery Orders” means the Menai Strait East Order, Menai Strait West Order, and Conwy Estuary Order as defined in these terms;

“Industry Director” means a director of the Company appointed by a member representing either the lessees or the licence holders of the Menai Strait East Order or the Menai Strait West Order or the Conwy Fishery Order;

“Industry Member” means a member representing either the lessees or the licence holders of the Menai Strait East Order or the Menai Strait West Order or the Conwy Fishery Order;

“Local Authority Director” means a director of the Company appointed by either Ynys Mon County Council, ~~or~~ Gwynedd County Council or Conwy County Borough Council;

“Local Authority Member” means either Ynys Mon County Council, ~~or~~ Gwynedd County Council or Conwy County Borough Council;

“member” has the meaning given in section 112 of the Companies Act 2006;

“Menai Strait East” means that part of the foreshore and bed known as the Menai Strait ~~more particularly~~ described in section 3 of the Menai Strait Oyster and Mussel Fishery Order 1962;

“Menai Strait East Order” means the Menai Strait Oyster and Mussel Fishery Order 1962 as amended by any statutory modification or re-enactment thereof from time to time in force;

“Menai Strait West” means that part of the foreshore and bed known as the Menai Strait described in section X of the Menai Strait West Fishery Order 201X;

“Menai Strait East Order” means the Menai Strait West Fishery Order 201X as amended by any statutory modification or re-enactment thereof from time to time in force;

“Minister” means the Minister for Rural Affairs of the Welsh Assembly Government;

“**Observer**” means any person who can be sent to meetings pursuant to article 26(1)(c) and who has the rights set out in article 26(1)(d).

“**ordinary resolution**” has the meaning given in section 282 of the Companies Act 2006;

“**participate**”, in relation to a directors’ meeting, has the meaning given in article 10;

“**proxy notice**” has the meaning given in article 37;

“**Shellfish Act**” means the Sea Fisheries (Shellfish) Act 1967 as amended by any statutory modification or re-enactment thereof from time to time in force;

“**special resolution**” has the meaning given in section 283 of the Companies Act 2006;

“**subsidiary**” has the meaning given in section 1159 of the Companies Act 2006; and

“**writing**” means the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in electronic form or otherwise.

Unless the context otherwise requires, other words or expressions contained in these articles bear the same meaning as in the Companies Act 2006 as in force on the date when these articles become binding on the Company.

2. Exclusion of Constitutional Regulations

No constitutional regulations set out in any statute, or in any statutory instrument or other subordinate legislation made under any statute concerning companies shall apply as the regulations or articles of the Company except in so far as they are repeated or contained in these articles.

3. Objects of the Company

The objects of the Company shall be limited to the following:

- 1) To protect, preserve and improve the shellfisheries of the ~~Menai Strait~~Fishery Areas;
- 2) To apply for and implement the powers granted by the ~~Menai Strait Order~~Fishery Orders and the Shellfish Act;
- 3) To meet all statutory obligations of a grantee (as defined in the ~~Menai Strait Order~~Fishery Orders) in exercising its duties and responsibilities arising out of the ~~Menai Strait Order~~Fishery Orders and the Shellfish Act including, but not limited to:
 - a) Establishing, improving, maintaining and regulating the shellfisheries in the ~~Menai Strait~~Fishery Areas;

- b) Leasing areas within the ~~Menai Strait~~Fishery Areas, for use as shellfish lays as appropriate;
 - c) Issuing licences for shellfish gathering within the ~~Menai Strait~~Fishery Areas;
 - d) Consulting with the appropriate statutory bodies as required by legislation in force from time to time in respect of the objects set out in articles 3(3)(a) and 3(3)(b) above;
 - e) Submitting an annual report of activity of shellfishery in the ~~Menai Strait~~Fishery Areas and a statement of accounts for each Fishery Area to the Minister;
- 4) To charge such tolls and fees for the leases and licences referred to in articles 3(3)(b) and 3(3)(c) as is reasonable and to gather such tolls and fees in order to meet the costs of meeting the Company's objects as set out in this article 3 and associated administration;
 - 5) To ensure that the shellfishery in the ~~Menai Strait~~Fishery Areas is managed in accordance with the provisions of the ~~Menai Strait Order~~Fishery Orders, the Shellfish Act, the Marine and Coastal Access Act 2009, the Wildlife & Countryside Act 1981, the Habitats Directive (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) as applied in the United Kingdom by the conservation (Natural Habitats Etc) Regulations 1994 and any other applicable Welsh, UK or EU wildlife or conservation legislation and that due regard is had to doing so in all its actions;
 - 6) For the purposes aforesaid (and not otherwise) the Company shall be able:
 - a) [....
 - u)no changes]

4. Income and Property of the Company

[No change]

5. Liability of members

[No change]

6. Distribution on Winding Up

[No change]

Annex B: Proposed Amendments to Standing Orders

The Menai Strait Fishery Order Management Association ("Company")

Proposed Standing Orders

3. Management of the ~~Menai Strait~~ Fishery Order Areas

3.1. In carrying out their duties and their role as the Board of Directors ("**Board**") and the members of the Company ("**Members**"), the Board and the Members shall adhere and shall procure that the Company adheres, to a management strategy that is compatible with the standard set for sustainable fishery management by the Marine Stewardship Council.

3.2. In particular, it is acknowledged by the Board and the Members that, in accordance with the objects of the Company set out in article 3 of the articles of association of the Company ("**Articles**"), the Company's aims are:

3.2.1. to conduct the shellfisheries within the area specified in the Menai Strait Oyster and Mussel Fishery Order 1962, the Menai Strait West Fishery Order 201X and the Conwy Estuary Fishery Order 201X fishery ("**Fishery Order Areas**") in such a manner that does not lead to over-fishing or depletion of the exploited populations and, for those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery;

3.2.2. fishing operations within the ~~Menai Strait~~Fishery Order Areas allow for the maintenance of the structure, productivity, function and diversity of the ecosystem (including habitat and associated dependent and ecologically related species) on which the Fishery depends; and

3.2.3. the Fishery Order Areas are ~~is~~ subject to an effective management system that respects local, national and international laws and standards and incorporates institutional and operational frameworks that require use of the resource to be responsible and sustainable.

3.2.4. to adhere to the management policies for the Fishery Order Areas set out in the relevant Appendices ~~1~~ of this document.

4. Role of Chair of the Board and Members

The Chair of the Board and Members has a dual role – both as the Chair and, simultaneously, as a member. These roles are more specifically set out below:

4.1. Organisation Objectives

[No Change]

4.2. Board Facilitation and Meetings

[No Change]

4.3. Organisation Governance

[No Change]

4.4. Communication

[No Change]

4.5. Operation of Organisation

[No Change]

4.6. Required Skills

4.6.1. In-depth knowledge of shellfisheries and their management, either in ~~the Menai Strait~~North Wales or otherwise in the United Kingdom.

4.6.2. Independent from the Members and proposed members of the Company, as listed in article 21(1)(a) to (g) of the Articles.

4.6.3. Previous experience as chairperson of an organisation, preferably similar to the Company, is desirable.

5. Role of Directors and Members

5.1. Organisation Objectives

[No Change]

5.2. Board Facilitation and Meetings

[No Change]

5.3. Organisation Governance

5.3.1. Ensure that the Company complies with its governing document, company law, the Menai Strait Oyster and Mussel Fishery Order 1962, the Menai (West) Fishery Order 201X, the Conwy Estuary Fishery Order 201X, the Sea Fishery (Shellfish) Act 1967, the Marine and Coastal Access Act 2009, the Wildlife & Countryside Act 1981, the Habitats Directive (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) as applied in the United Kingdom by the conservation (Natural Habitats Etc) Regulations 1994, and any other applicable Welsh, UK or EU wildlife or conservation legislation

5.3.2. Ensure that the Company pursues its objects as defined in its governing document.

5.4. Communication

[No Change]

5.5. Operation of Organisation

[No Change]

6. Election of Chairperson

[No Change]

7. Annual General Meeting

[No Change]

8. Additional meetings

[No Change]

9. Order of Business

[No Change]

10. **Variation of Business**

[No Change]

11. **Expert Attendance at Meetings**

[No Change]

12. **Rescission of Resolutions**

[No Change]

13. **Review of Standing Orders**

13.1. The Standing Orders of the Company shall be reviewed by the Board on a triennial basis.

13.2. Any proposed resolutions to amend the Standing Orders of the Company resulting from their review pursuant to Standing Order 11.1 must be included in the notice given pursuant to section 302 or 303 of the Companies Act 2006 in accordance with Standing Order No. 6.1.2 and such resolutions can only be passed by at least one-half of the Members.

14. **Suspension of Standing Orders**

14.1. Subject to Standing Order No. 12.2, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where a resolution is passed approving such suspension.

14.2. A motion to suspend Standing Orders shall only be proposed if the notice thereof given in pursuance of article 13(3) of the Articles or pursuant to section 303 of the Companies Act 2006 in accordance with Standing Order No. 6.1 is given by at least one-half of the directors or the Members, as the case may be.

Annex C: Crown Estate response to consultation by MSFOMA

6 Bell's Brae
Edinburgh
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Tel: 0131 260 6070
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Dr Sue Utting
Menai Strait Fishery Order Management
Association
Port Penrhyn
Bangor
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LL57 4HN

Alex Adrian
Aquaculture Operations Manager
Tel: 0131 260 6076
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E-mail: alex.adrian@thecrownestate.co.uk

Your Ref.:
Our Ref.:

27 January 2012

Dear Dr Utting,

Consultation Process for Menai Strait (West) Fishery Order

Thank you for your letter of 16 December 2011 regarding the above Fishery Order consultation, and the associated Management Plan, Supporting Information and Appropriate Assessment.

As you correctly point out, there was legal uncertainty surrounding landowners' rights in connection with several fisheries, which were clarified following the Court of Appeal case in 2008. The 1967 Sea Fisheries (Shellfish) Act was also amended in the 2009 Marine & Coastal Access Act; amongst other things, it removed the requirement to obtain The Crown Estate's prior consent as landowner to the granting of a fishery order. Instead, the appropriate Minister must have regard to the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961. With this in mind, please note the following comments.

In that the proposed Fishery Order relates to those areas, species and production that were the subject of the previous Fishery Order, The Crown Estate has no objection in principle to this proposal. We are concerned, however, that in light of the rights and protections under the 1967 Act (as amended) that are being sought, the proposed fishery should not have an adverse impact on the activities that currently take place in these parts of the Menai Strait. There are a number of tenants of The Crown Estate who enjoy certain rights under their leases from us and we and, no doubt, they would need to be reassured unequivocally that their rights would not be undermined. A list of the relevant interests in the various areas of the proposed Order is appended for your information. Presumably you have no objections to us forwarding your letter etc. to our tenants at this stage.

There have, as you know, been proposals for development in the Straits in the past, albeit not as far as we know in the western Straits in this location. We assume that the fishery proposals will be subject to public consultation in due course sufficient to allow the opportunity for any development proposals to be aired and considered in this context. We would also appreciate clarification and/or MSFOMA's acknowledgement on measures to be undertaken, namely;

Continuation

1. The Management Plan indicates that application is being made for a Several Order covering mussels and Pacific oysters (*C. gigas*). However it goes on to provide detail of species cultivation proposals by area and includes reference to cultivation of European oysters (*O. edulis*?) in Area 11 of Plot D. We can find no other reference to European oysters in other documentation supplied, but merely to either just 'oysters' or Pacific oysters (the Additional Information indicates that Area 11 "is given over to Oyster production. Pacific oysters (*Crassostrea gigas*) are grown in bags or trays supported on trestles") Could you please clarify the species to be cultivated, as presumably the cultivation of *O. edulis* will incorporate considerations not necessarily replicated in those given over to the cultivation of *C. gigas*, not least with regard to *Bonamia ostreae* in respect of the provenance of seed stock and protection of any naturally occurring European oyster populations in the locality, and their status on the UK Biodiversity Action Plan?
2. The Management Plan indicates the cultivation of oysters in Areas 6 and 7 of Plot B and Area 11 of Plot D, utilising bags and trestles in the intertidal zone, and trays and boxes – for the subtidal zone of Area 7? It is our view that hatchery sourced seed stock, particularly that of non-native species, which is then contained and held on deployed cultivation equipment until harvesting, is more akin to shellfish farming than a shellfish fishery (albeit we are aware of the broad nature of the term 'aquaculture'), as is the case on numerous oyster farms cultivating Pacific oysters elsewhere in the UK that do not operate under Fishery Orders. In such cases, and the case of deployment of any structures on the seabed, secure right of tenure will be required in the form of a lease agreement from the landowner (as indicated on page 4 of the Management Plan in respect of the request that the Order allow for future artificial seabed structures). We would expect that in the activities and associated business (and presumably its target market) in Areas 6, 7 and 11 being pretty much identical to that of oyster farms elsewhere in the UK, consistency demands that we treat them similarly with regard to agreed utilisation of the foreshore/seabed for oyster cultivation purposes, and as such will require that a lease agreement for this is entered into. The terms and application details for such are available on our website
<http://www.thecrownestate.co.uk/marine/aquaculture/working-with-us>.

Please do not hesitate to get back to me with any queries on the above response.

Yours sincerely



Alex Adrian

Aquaculture Operations Manager

Annex D: Draft MSFOMA response to the Crown Estate.

Crown Estate Letter – Draft Text.

Dear Mr Adrian,

Consultation Process for the Menai Strait (West) Fishery Order

Thank you for your response of the 27th January 2012, in which you raised a number of points, which will be dealt with in the order that you raised them:

- 1) We have carried out a full consultation process and appropriate assessment and can offer unequivocal assurances that those who have rights under the leases specified in your letter will not have those rights undermined. We assume that you have forwarded our letter and documentation, sent previously, to these lease holders.
- 2) We can confirm that our proposals will be subject to public consultation in due course.
- 3) We will not be including native oysters or clams in the Fishery Order, these were included in the documentation in error and have since been removed.
- 4) We believe that discussions regarding Crown Estate lease agreements for the use of trestles, trays or other cultivation equipment lie outside of the scope of the Fishery Order application. It would seem to be appropriate for the leases for these areas to be obtained from the Crown Estate by the companies intending to carry out such activities, and we have advised them to do so using the “*England and Wales Fish Farm Application Form*” from your website.

We are also grateful for the information you have sent to us about the other activities taking place in and around the proposed Fishery Order area. You might wish to check a couple of the apparent conflicts. It seems to us that it is unlikely that the Ministry of Agriculture, Fisheries and Food currently holds a lease for a ramp on the foreshore, since this Ministry no longer exists and in any case relinquished its interest in shellfish cultivation in the Menai Strait 10 or more years ago. The conflict with the “Several Order ad Menai Strait (West) Oyster & Mussel Fishery Order 1978” held by the North Western & North Wales SFC is incorrect – the NW&NWSFC no longer exists, and the Fishery Order expired in 2008. It was the expiry of the previous Fishery Order that resulted us in making the current application.

In response to your comments, and for your information we have pleasure in attaching amended documents in support of our application, with clams and native oysters removed and with a full list of consultees added.

If you have any further comments or queries please contact me.

Yours Sincerely

Dr Sue Utting

Attachments:

Revised Management Plan Form

Revised Additional Information Form

Annex E: Draft Memorandum of understanding for MSFOMA and the Menai (West) Lay Holders.

Proposed new Menai Strait (West) Fishery Order

Memorandum of Understanding between the Menai Strait (West) Lay Holders and the Menai Strait Fishery Order Management Association

Preamble

Whereas:-

The Menai Strait (West) Oyster, Mussel and Clam Fishery Order 1978 was a Several Order granted under the Sea Fisheries (Shellfish) Act 1967 to enable the cultivation of mussels, oysters and clams. The Order was granted for a period of 30 years and expired on 23 March 2008;

The Menai Strait (West) Lay Holders are proposing to reinstate a new Fishery Order through the Marine and Coastal Access Act 2009 and with the same boundaries as in the previous Several Order. This Order is for 28 years in four 7 year tranches;

Welsh Government has stated that its preferred option would be for the Menai Strait Fishery Order Management Association (MSFOMA) to be the Applicant/Grantee of the proposed new Fishery Order;

MSFOMA and the Menai Strait (West) Lay Holders (namely Trevor Jones, Jon King, Sean Krijnen and David Lea-Wilson) have agreed the following terms of reference in order to proceed with the application of the proposed new Fishery Order and then the its future management within MSFOMA if and when the Fishery Order is granted.

Terms of reference

1. Application process (Phase 1)

- i. The Menai Strait (West) Lay Holders agree to meet all their costs (including costs that may arise through needing to consult with other stakeholders in the proposed new Fishery Order area) and any reasonable additional costs incurred by MSFOMA during the application process.

- ii. The Menai Strait (West) Lay Holders will prepare all the required documentation that has to be submitted by MSFOMA to Welsh Government.
 - iii. Through its quarterly meetings, MSFOMA will provide the communication channel that will keep all parties aware of progress with the application process. If and when deemed appropriate, additional meetings may be scheduled.
2. **Management of the new Fishery Order (Phase 2 - dependent on the successful outcome of Phase 1)**
- i. The Menai Strait (West) Lay Holders agree that Trevor Jones should become a Director of MSFOMA and be their representative for the new Fishery Order.
 - ii. The Menai Strait (West) Lay Holders agree to meet any reasonable costs to make changes (if and where deemed necessary) to the current Articles prepared by MSFOMA for the Eastern Menai Strait Order.
 - iii. MSFOMA and the Menai Strait (West) Lay Holders will need to agree a robust and transparent system to ensure that the finances of each party are managed effectively, including the setting of annual fees for lays in the West Menai. The most appropriate method may be to manage the finances separately.
 - iv. The Menai Strait (West) Lay Holders will establish methods of self-regulation for their Fishery Order, to help ensure that each operates to acceptable standards and established Codes of Conduct.

These terms of reference shall be revised from time to time at the request of either MSFOMA or the Menai Strait (West) Lay Holders.

13 December 2011