

Menai Strait Fishery Order 1962 & Menai Strait Fishery Order 2022 Several Fishery Lease Allocation Rules

Leases for Layings – General Policy

1. The Menai Strait Fishery Order Management Association shall issue leases for the layings shown in Figure 1 of this document in accordance with the administrative rules set out below.
2. The Lease Allocation Rules set out in this document apply to any leases for layings issued under the Menai Strait Oyster and Fishery Order 1962 (the “1962 Fishery Order”) and to any subsequent Fishery Order made in 2022 (the “2022 Fishery Order”) made by Welsh Government that covers all or part of the geographic area of the 1962 Fishery Order
3. Leases shall only be issued in accordance with the requirements of either the 1962 Fishery Order or the 2022 Fishery Order (the “relevant Fishery Order”), the Sea Fisheries (Shellfish) Act 1967 (the “Shellfish Act”) and any legislation to which the Act and Fishery Orders are subordinate.
4. Leases shall be issued for a period of not more than 7 years from their start date.
5. Leases shall terminate on or before the date on which the relevant Fishery Order expires.
6. Leases may be issued to “tenants” who may be individuals or companies.

Administration

7. Prior to the expiry of a lease for a laying the Association shall write to the current tenant to determine whether they wish to renew the lease for a further period of up to 7 years.
8. Leases for layings shall be re-issued to existing tenants providing that:-
 - a. The tenant has complied with all of the lease conditions for that laying as required by the Association; and
 - b. The tenant has complied with all of the requirements of the relevant Fishery Order and the Shellfish Act.
9. During the transition from the 1962 Fishery Order to the 2022 Fishery Order, the tenant of a laying under the 1962 Fishery Order shall be eligible to lease a new laying under the 2022 Fishery Order in accordance with paragraph 8 above providing that this new laying covers all or part of the same geographic area as the tenant’s laying under the 1962 Fishery Order.
10. If an existing tenant does not wish to renew their lease or if the requirements of paragraphs (8 & 9) above are not met, the Association will follow the procedure set out below for the vacant laying:-
 - a. Advertise the opportunity to apply for a lease for this laying on the MSFOMA website and in at least one local newspaper;
 - b. Publish the criteria for assessing applications received;

- c. Allow a period of at least 28 days for submission of applications; and
- d. Assess all applications according to the published criteria listed in paragraph (b) above.

Criteria for issuing leases to vacant layings

11. The criteria for issuing leases to vacant layings have been agreed by the Association as follows:-

- a. The lease for the vacant laying may be offered to Applicants who have submitted an application for a laying in the relevant Fishery Order that meets the requirements of the relevant Fishery Order.
- b. Leases shall be issued in chronological order, such that the applicant who has been waiting longest is the first to be offered a lease.
- c. Invitations issued to applicants by the Association to lease a laying shall be valid for a period of 28 days. If an applicant on the waiting list does not respond to their invitation then after 28 days have elapsed the Association shall invite the next applicant on the waiting list to lease that laying. This process shall be repeated until the invitation has been accepted or the end of the waiting list is reached, whichever is soonest.
- d. Applications for leases must be submitted using the appropriate form published on the MSFOMA website or in writing by post (not by hand) to the Association's registered offices using the appropriate form or by e-mailing the appropriate form to info@msfoma.org.
- e. It shall be each applicant's responsibility to ensure that their contact details are updated to reflect any change in their circumstances. The Association shall not be liable for any loss of opportunity arising from a change in circumstances that it was not aware of.

12. The Association shall maintain the waiting list by contacting all of the applicants on the waiting list annually and seeking confirmation that they wish to remain on the waiting list.

13. At any meeting of the Association to determine the issuing of leases, the Association shall not be informed of the personal details of any applicant, to ensure that the decisions taken are objective and are not prejudiced in any way.

14. These rules shall be reviewed by the Association each year at its Annual General Meeting.

MSFOMA

September 2021

Figure 1: Map of the layings within the Menai Strait Oyster and Mussel Fishery Order 1962 (as amended in 1964)

