

CHAPTER 1: Standing Orders

The Standing Orders for the NWIFCA include provisions required under the Marine and Coastal Access Act 2009, the North Western Inshore Fisheries and Conservation Order 2010 and the Local Government Act 1972 as well as provisions adopted by the Authority.

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STANDING ORDERS

The following Standing Orders were approved by resolution on 18th September 2015 and supersede all previous Standing Orders.

Section 1: Reviews to Standing Orders

Variation and Revocation of Standing Orders

- 1.1 Any motion to add to, vary or revoke these Standing Orders shall be subject to members' comments and agreement before being made at the next ordinary meeting of the Authority.

Suspension of Standing Orders

- 1.2. (a) Subject to paragraph (b) of this Standing Order, any of the Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (b) A motion to suspend Standing Orders shall not be moved without notice unless there shall be present at least one-half of the whole number of the Members of the Authority or the Committee as appropriate.

Standing Orders to be given to Members

- 1.3 Printed copies of these Standing Orders, and of such Statutory Provisions as regulate the proceedings and business of the Authority shall be given to each Member of the Authority on their appointment by the Chief Executive.

Interpretation of Standing Orders

- 1.4. The ruling of the Chair as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority shall not be challenged at any meeting of the Authority.

Section 2: Record of Attendances

- 2.1. (a) Every member of the Authority attending a meeting of the Authority, or of any of its Committees or Working Parties of which he is a member, shall sign his name in the attendance book or sheet provided for that purpose.
- (b) Any Local Authority Member of the Authority who is unable to attend a meeting of the Authority may delegate one nominated Officer from their Local Authority who is familiar with the work of the Authority, to attend on his behalf. The Officer may speak in the meeting and will be entitled to vote. The Clerk to be informed of any change at least 5 working days in advance of the meeting.
- (c) Any Member who represents the Marine Management Organisation, Environment Agency or Natural England on the Authority who is unable to attend a meeting of the Authority may delegate one nominated Officer from their organisation to attend on their behalf who may speak at the meeting and will also be entitled to vote. The Clerk to be informed of any change at least 5 working days in advance of the meeting.

Section 3: Election of Chairman and Vice-Chairman at the AGM

- 3.1. (a) The Annual General Meeting is the first meeting of the Authority after 1 April each year.

- (b) The Chairman and Vice Chairman of the Authority shall be appointed by the Members at each AGM. The CEO will invite nominations from all members in advance of the AGM and inform members of nominations 7 days in advance of the meeting.
- (c) The Chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as Chairman.
- (d) Subject to any Standing Orders made by the Authority anything authorised or required to be done by, or before the Chairman may be done by, or before the Vice-Chairman.

Chairman of Meeting

- 3.2. (a) the Chairman shall, if present, Chair meetings of the Authority. If absent, the Vice Chairman shall Chair the meeting
- (b) If the Chairman and Vice-Chairman of the Authority are absent from a meeting of the Authority then another Member of the Authority chosen by the Members present shall preside.

Section 4: Meetings of the full Authority

- 4.1 (a) All meetings of the Authority and its committees will be open to members of the public, except where a resolution to exclude the press and public has been agreed by the Authority or the committee. Finance and Chairman's Committees are closed by resolution of the Authority (Local Government Act 1972).
- (b) The annual meeting of the Authority and other meetings of the Authority shall be held at such places on such dates and at such times as may be fixed by the Authority.
- (b) A special meeting may be called at any time by the Chairman of the Authority.
- (c) The Chairman must call a special meeting within 7 days when presented with a written request signed by seven Members.
- (d) Failure to call a properly requested special meeting entitles any five Members to call a special meeting of the Authority.

Section 5: Quorum for a meeting of the full Authority

- 5.1 (a) Eight Members shall be a quorum at any meeting of the Authority, at least one of whom shall be a council member and at least one a general member.
- (b) If during any meeting of the Authority the Chairman finds that there is not a quorum present the meeting shall be adjourned and business not transacted shall be deferred to the next meeting

Section 6: Notice of Meetings

- 6.1. (a) The Notice of meeting and agenda shall be sent to Members at least 7 days in advance.
- (b) Failure to send the notice to any Member shall not affect the validity of a meeting.
- (c) Except for urgent matters raised in accordance with Standing Orders no business shall be transacted at a meeting of the Authority other than that specified in the notice and agenda.

Section 7: Rules of procedure for ordinary meetings of the full Authority or Committees

Order of Business

7.1 The order of business at every meeting shall be:-

- (a) If necessary appoint a Chairman.
- (b) Chairman's Announcements.
- (c) Approve minutes of previous meeting(s) as a correct record.
- (d) Statutory business e.g. byelaw making.
- (e) Matters arising from previous meeting(s).
- (f) Consider reports, minutes and recommendations of Committees.
- (g) The order of business may be varied at the Chairman's discretion and with the approval of members or by a motion moved, seconded and approved by members.

Notices of Motion

- 7.2
- (a) Notices of agenda items for discussion other than items which under Standing Order No. 7.3 may be moved without notice, shall be given in writing or by email, showing the names of the Member or Members raising the matter at least 10 days before the next meeting of the Authority, to the office of the Chief Executive by whom it shall be dated, and added to the next agenda in the order in which it is received.
 - (b) The CEO shall set out in the notice of every meeting of the Authority all items received under 7.2a in the order in which they have been received,
 - (c) If an item in the notice of meeting is not raised at the meeting either by a Member who gave notice thereof or by some other Member on his behalf it shall, unless postponed by consent of the Authority be treated as withdrawn and shall not be raised again without fresh notice.
 - (d) If the subject matter of any item in the notice is within the remit of a Committee it shall, upon being proposed and seconded, be referred without discussion to such Committee as the Authority may determine, for consideration and report. Provided that the Chairman may, if he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

Scope of Items included in the notice of meeting

- (e) Every item shall be relevant to some matter in relation to which the Authority has powers or duties.

Agenda items and amendments which may be moved without notice

7.3 The following items may be moved without notice:-

- (a) Appointment of a Chairman of the meeting.
- (b) Items relating to the accuracy of the minutes.

- (b) Remission to a Committee.
- (d) Appointment of a Committee to report on an item in the notice of meeting.
- (e) Adoption of reports and recommendations of Committees or Officers and any consequent resolutions.
- (f) Vote of No Confidence in Chairman or other Member
- (g) Extending the time limit for speeches.
- (h) Amendments to motions in the notice of meeting.
- (i) That the Authority proceed to the next business.
- (j) That the question be now put to a vote.
- (k) That the debate be now adjourned.
- (l) That the Authority do now adjourn.
- (m) Suspending Standing Orders, in accordance with Standing Order No. 1.2
- (n) That a meeting or agenda item be heard in closed session.
- (o) That a Member be heard
- (p) That a Member named under Standing Order No. 7.9 be not further heard or do leave the meeting.
- (q) Inviting a Member to remain under Standing Order No. 10.1 (Pecuniary Interest).

Questions

- 7.4. (a) Every question shall be put and answered without discussion, but the Member to whom a question has been put may decline to answer.
- (b) An answer may take the form of:-
- (i) a direct oral answer; or
 - (ii) a reference to a report or publication; or
 - (iii) a written answer after the meeting circulated to Members.

Minutes

- 7.5 (a) Minutes of the proceedings of a meeting shall be drafted for approval at the next meeting of the Authority when the Chair shall put the question "that the minutes of the last meeting of the Authority be approved as a correct record".
- (b) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised immediately. If no such question is raised, or if it is raised, and discussed to the satisfaction of the meeting, the minutes shall be approved.

Rules of debate for committee meetings

- 7.6 Motions and amendments

- (a) A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order No. 7.2 it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

Only one Member to speak at a time.

- (b) A Member when speaking shall address the Chair. If two or more Members wish to speak, the Chairman shall call on one to speak; and take the others in turn. While a Member is speaking the other Members shall remain seated unless rising to a point of order or in personal explanation.

Content and length of speeches

- (c) A Member shall direct his speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes in the case of a mover of a motion, and three minutes in all other cases except by consent of the Authority.

When a Member may speak again

- (d) Member who has spoken on any item shall not speak again whilst it is the subject of debate, except:-
 - (i) to speak once on an amendment proposed by another Member;
 - (ii) if the item has been amended since he last spoke, to propose a further amendment;
 - (iii) if his first speech was on an amendment proposed by another Member, to speak on the main issue, whether or not the amendment on which he spoke was carried;
 - (iv) in exercise of a right of reply given by paragraph (k) of this Standing Order;
 - (v) on a point of order;
 - (vi) by way of personal explanation.

Amendments to items

- (e) An amendment must be relevant to the item and shall either:-
 - (i) refer a subject of debate to a Committee for consideration or reconsideration;
 - (ii) to leave out, insert or add words; but such omission, insertion or addition of words shall not have the effect of reversing the motion before the Authority.
- (f) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

Provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Authority's business.

- (g) If an amendment be lost, other amendments may be moved on the original item. If an amendment be carried, the item as amended shall take the place of the original item and shall become the item upon which any further amendment may be moved.

- (h) A Member may with the consent of the Committee:-
 - (i) alter an item of which notice was given, or
 - (ii) with the consent of the seconder alter an item which was moved, if (in either case) the alteration is one which could be made as an amendment hereto.

Withdrawal of motion

- (i) An item or amendment may be withdrawn by the proposer with the consent of the seconder and of the Authority. No Member may speak upon it after the proposer has asked permission for its withdrawal, unless such permission shall have been refused.

Right of reply

- (j) The proposer of an item has a right to reply at the close of the debate on the item, immediately before it is put to the vote. If an amendment is proposed the proposer of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The proposer of the amendment shall have no right of reply to the debate on his amendment.

Items which may be proposed during debate

- (k) When an item is under debate no other item shall be proposed except the following:-
 - (i) to amend the item;
 - (ii) to adjourn the meeting;
 - (iii) to adjourn the debate;
 - (iv) to proceed to the next business;
 - (v) that the question be now put to a vote;
 - (vi) that a Member be heard
 - (vii) that a Member be not further heard;
 - (viii) by the Chairman under Standing Order No. 7.8(b) that a member do leave the meeting;
 - (ix) to exclude the public.

Closure motions

- (l) A Member may propose at the conclusion of a speech of another Member, "That the Authority proceed to the next business", "That the question be now put to a vote", "That the previous question be voted", "That the debate be now adjourned", or "That the Authority do now adjourn", on the seconding of which the Chairman shall proceed as follows:-
 - (i) on a proposal to proceed to the next business: unless of the opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first give the proposer of the original motion a right of reply and then put to the vote the proposal to proceed to next business;
 - (ii) on a motion that the question be now put to a vote; unless of the opinion the matter before the meeting has been insufficiently discussed, the Chairman

shall first put to the vote the motion that the question be now put, and if it is passed then give the original proposer a right of reply under sub-paragraph (k) of this Standing Order before putting the proposal to the vote;

- (iii) on a motion to move previous question: The Chairman shall say “the previous question has been proposed” as a point of order. If of the opinion the matter has been sufficiently discussed the Chairman will accept the point of order. The meeting then moves immediately to a vote on the question that was being discussed. On a vote of ‘yes’ to the point of order the question goes immediately to the vote. On a vote of ‘no’ the Chairman proceeds immediately to the next item of business.
- (iv) on a motion to adjourn the debate or the meeting: if of the opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be discussed on that occasion the Chairman shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply .

Points of order

- (m) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or Statutory Provision and the Member shall specify the Standing Order or Statutory Provision and the way in which it has been broken. A personal explanation shall be confined to some material part of a former speech which may appear to have been misunderstood in the present debate.

Chairman's ruling

- (n) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Respect for the Chair

- (o) Whenever the Chairman speaks during a debate a Member then speaking shall stop and the Authority shall be silent.

Vote of no confidence in the Chairman or another Member

- (p) The Chairman stops business and calls on the Chief Executive. The Chief Executive asks if there are 3 or more Members present who would support the motion. If so the Chief Executive shall put a motion “that this meeting has confidence in the Chairman”. A vote is then taken.

Motions affecting persons employed by the Authority

- 7.7. If any question arises at a meeting of the Authority (or any Committee of the Authority to which the Local Government Act, 1972 (as amended) applies) relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, or applicant to become an office-holder under the Authority, such question shall not be the subject of discussion until the Authority or Committee, as the case may be, has decided whether the power or exclusion of the public under Section 100 of the Local Government Act, 1972 (as amended) shall be exercised.

Disorderly conduct by members

- 7.8 (a) If at a meeting, any Member of the Authority, in the opinion of the Chairman, misconducts themselves by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of

Authority, the Chairman or any other Member may move "That the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

Continuing misconduct by a named Member

- (b) If the Member named continues misconduct after censure under the foregoing paragraph the Chairman shall:-

EITHER propose "That the Member named do leave the meeting" (in which case the proposal shall be put to a vote and determined without seconding or discussion);

OR adjourn the meeting of the Authority for such period as the Chairman considers expedient.

General disturbance

- (c) In the event of general disturbance, which in the opinion of the Chairman renders the orderly dispatch of business impossible, the Chairman may, without question, adjourn the meeting for such period as he/she considers expedient.

Rescission of preceding resolution

- 7.9 No proposal to rescind any resolution passed within the preceding six months, and no proposal or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order No. 7.2 bears the names of at least one-third of the Members of the Authority, it shall not be open to any Member to propose a similar motion within a further period of six months.

Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee

Voting

- 7.10 (a) The mode of voting at meetings of the Authority shall be by show of hands: provided that on the requisition of any Member of the Authority made before the vote is taken (and supported by 8 other members who signify their support by raising their hands) the voting on any question shall be by roll-call and shall be recorded so as to show how each Member present and voting gave his vote. The name of any Member present and not voting shall also be recorded.
- (b) Subject to those provisions in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.
- (c) Where an urgent matter arises between meetings, a vote may be taken from members by email and/or letter/telephone

Section 8: Committees of the North Western IFCA

Appointment of Committees

- 8.1 The Authority may at the AGM appoint Committees and may at any time appoint other Committees deemed necessary. The Authority may at any time dissolve a Committee or alter its membership.

Ex-officio membership of Committees

- 8.2 The Chairman and Vice-Chairman are ex-officio members of every committee of the Authority. In respect of the Finance Committee if the Chairman and Vice-Chairman are non-Local Authority appointees they shall be non-voting members.

Constitution of Committees

- 8.3 (a) The CEO shall send out a summons to all Committee meetings 7 days in advance setting out the business to be considered. No business other than that set out in the summons shall be considered at that meeting

The following Committees shall be the Standing Committees of the Authority and shall consist of the number of Members (exclusive of Chairman and Vice-Chairman of the Authority) specified at paragraphs (b), (c), and (d) of this Standing Order.

The Authority or Committees can take decisions by correspondence including using email. All relevant members of the Authority or its Committees must be given the opportunity to contribute to decisions taken by correspondence.

- (b) The Finance Committee shall have 10 members comprising all Local Authority appointees. It shall consider all matters arising under the financial regulations and have plenary powers to set the annual budget and levies. On matters other than the budget and levies it may make recommendations to the Authority or act on urgent matters.

The Finance Committee shall meet at least once per year or otherwise as required. All council members shall be consulted on the proposed budget and levy for the following year.

- (c) The Chairman's Committee shall have 5 members made up of the Chairman, Vice-Chairman, Chairman of the Finance Committee, Chief Executive and Head of Enforcement. It shall consider personnel and urgent and sensitive matters and act as the Standards Committee as required. The Chairman shall have the power to appoint additional members if necessary.

This Committee shall have the power to suspend the membership of any member under investigation by the Authority or the MMO for an alleged breach of a member's code of conduct until such investigation is determined. A suspended member shall be prohibited from speaking or voting at meetings except with the Chairman's permission or attending meetings not open to the public. A suspended member may not be appointed to a Committee of the Authority.

This Committee shall have plenary powers to act on urgent matters.

- (d) The Technical, Science and Byelaw Committee (TSB) shall have 10 members made up of EA, NE and MMO officer members and 7 ordinary members. It shall consider technical matters relevant to science and byelaws. TSB shall have plenary powers to act on urgent matters.

The 7 ordinary members of TSB are appointed at each AGM following a confidential ballot conducted by the CEO prior to the AGM.

All Authority members may attend TSB and receive papers on request. Non-TSB members must inform the Clerk one week before the meeting. They may not speak or vote at the meetings.

Election of Chairman and Vice-Chairman of Committee

- 8.4 Every Committee shall, at its first meeting after each AGM before proceeding to any other business, elect a Chairman for the year. In the absence from a meeting of the Chairman and Vice-Chairman a Chairman for that meeting may be appointed from amongst the Members present.

Special meetings of Committees

- 8.5 The Chairman of a Committee or the Chairman of the Authority may call a special meeting of a Committee at any time. A special meeting shall also be called on the requisition of a quarter (minimum 3) of the members (rounded up) of the Committee, delivered in writing to the CEO.

Quorum of Committees

- 8.6 Except where authorised by the Authority, business shall not be transacted at a meeting of any Sub-Committee unless at least one quarter of the whole number of the Sub-Committee is present.

Provided that in no case shall the quorum of a Sub-Committee be less than three members.

Voting in Committees

- 8.7 Voting at a meeting of a Committee shall be by a show of hands.

Standing Orders to apply to Committees

- 8.8 The Standing Orders of the Authority apply to Committee meetings.

Proposer of item may attend Committee

- 8.9 A Member of the Authority who has proposed an item which has been referred to any Committee shall have notice of the meeting of the Committee at which item will be considered. The proposer may attend the meeting and have an opportunity of explaining the motion.

Section 9: Participation in meetings by members of the public

Questions from members of the public

- 9.1 (a) Subject to these Standing Orders members of the public may ask questions at meetings of the Authority at the discretion of the Chairman.
- (b) Notice of questions must be given to the Clerk by post or email 2 clear working days before the day of the meeting. Each question must give the name and address of the questioner. Copies of all questions will be tabled for members and made available to the public attending the meeting. Written questions shall be limited to a maximum of 50 words. Rejected questions will include reasons for rejection.
- (c) No person or organisation may submit more than three questions to any one meeting.
- (d) The Chairman will invite the questioner to put the question to the NWIFCA. If the questioner is unable to be present they may ask the Chairman to put the question on their behalf.

- (e) The right for a member of the public to speak at any meeting of the NWIFCA shall be at the sole discretion of the Chairman. Questions shall be relevant to agenda items and matters raised at that meeting. Members of the public shall not be permitted to vote.
- (f) The Chairman has authority to terminate any question from the public if he/she considers it is not relevant to the subject matter of the agenda or the speaker is becoming abusive or disruptive.
- (g) Public speaking will be limited to 3 minutes per speaker and a total of 10 minutes unless the Chairman agrees a longer period.

Disturbance by members of the public

- 9.2 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn that person. If the interruption continues the Chairman shall order removal of the person from the meeting room. In case of a general disturbance in any part of the meeting room open to the public, the Chairman shall order that part to be cleared. If sufficiently serious, the Chairman may suspend the meeting.

Section 10: Pecuniary Interests of members

- 10.1 At the start of any Authority or Committee meeting, members must declare any pecuniary interest within the meaning of Section 30 of the Localism Act 2011 in any scheduled business

Any Member having any such pecuniary interest is not be permitted to vote on that business unless the Authority has given them dispensation to vote in accordance with the Code of Conduct attached to these Standing Orders.

Interest of Officers in Contracts

- 10.2 The Chief Executive shall record particulars of any Notice given by an Officer of the Authority under Section 117 of the Local Government Act, 1972 (as amended) of a pecuniary interest in a contract, and details shall be open during office hours to the inspection by any Member of the Authority.

Section 11: Staff Establishment and filling of vacancies

- 11.1. (a) The Authority shall from time to time consider the number of officers employed.
- (b) Except for temporary posts, all officer vacancies shall be publicly advertised unless they are to be filled by promotion or transfer or where (c) applies.
- (c) If within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs, one of the former applicants may be appointed.
- (d) If a vacancy occurs a temporary appointment may be made until a successor is appointed.

Canvassing of and recommendations by members

- 11.2 (a) Canvassing of Members of the Authority for any appointment under the Authority shall disqualify the candidate concerned for that appointment.
- (b) A Member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

Relatives of members or officers

- 11.3 (a) A candidate for any appointment under the Authority who knows that he is related to any Member or Officer of the Authority shall, when making application, disclose that relationship to the CEO. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member and Officer of the Authority shall disclose to the CEO any relationship known to him to exist between himself and any person whom he knows is a candidate for an appointment under the Authority. The CEO shall report to the Authority or to the appropriate Committee any such disclosure made to him.
- (b) Persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

Section 12: Financial Administration

- 12.1. Every Member and Officer of the Authority shall conform to the Financial Regulations of the Authority found in Chapter 2 of this Constitution

Section 13: Freedom of Information (FOI)

- 13.1. The Authority will publish a publication scheme as required under the FOI Act 2000.

Section 14: Authentication of documents for legal proceedings

- 14.1 Where any document will be a necessary step in legal proceedings on behalf of the Authority it shall be signed by the CEO unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such proceedings.

Section 15: Inspection of Premises, etc.

- 15.1 Unless specifically authorised to do so by the Authority or a Committee, a Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his membership of the Authority any right to inspect or to enter upon premises which the Authority has have the power or duty to inspect or duty to inspect or enter.

Section 16: Acting with the Authority of the NWIFCA

- 16.1 In all cases members of the Authority should not hold themselves out to be acting with the authority of the NWIFCA unless they have the authority to do so. Such acts would include use of the Authority logo on non-Authority communications and attending meetings as a member unless attendance is sanctioned by the Authority.