STATUTORY INSTRUMENTS

1975 No. 705

SEA FISHERIES

SHELLFISH

The Emsworth Channel Fishery Order 1975

Made - - - -	*24th April* 1975
Laid before Parliament	*5th May* 1975
Coming into Operation	*26th May* 1975

The Minister of Agriculture, Fisheries and Food, having received no objections to a draft order published in accordance with Schedule 1 to the Sea Fisheries (Shellfish) Act 1967(**a**), in exercise of the powers conferred on him by section 1 of the said Act as amended by section 15(2) of the Sea Fisheries Act 1968(**b**) and of all other powers enabling him in that behalf, with the consent of the Crown Estate Commissioners, hereby makes the following Order:—

1. This Order may be cited as the Emsworth Channel Fishery Order 1975 and shall come into operation on 26th May 1975.

2.—(1) In this Order "the Minister" means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act 1889(**c**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. There is hereby conferred on the Emsworth Harbour Fishermen's Federation Limited whose registered office is situate at 74 Bosmere Gardens, Emsworth in the County of Hampshire (hereinafter called "the Grantee" which expression shall include the persons for the time being entitled to the right conferred by this Order) a right of several fishery for oysters, mussels and clams over an area in Emsworth Channel in the County of Hampshire containing 121 acres (49 hectares) or thereabouts on the westward side of the centre of the natural channel from time to time and part of Sweare Deep as shown coloured pink on the map sealed by the Minister for the purposes of this Order.

4. Subject to the provisions of Article 5 of this Order, the limits of the area to which this Order applies shall be marked out by the Grantee in such manner as the Minister may from time to time direct and the Grantee shall maintain the marks in position and good repair.

(**a**) 1967 c. 83.
(**b**) 1968 c. 77.
(**c**) 1889 c. 63.

5. Nothing in this Order shall authorise the execution of any works on over or under tidal lands below the level of mean high water springs except in accordance with plans and sections approved by the Secretary of State and subject to such conditions and restrictions as he may prescribe before such works are begun.

6. Nothing in the Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Grantee to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatever description belonging to Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners.

7. Nothing in this Order shall affect prejudicially the Chichester Harbour Conservancy or the Southern Water Authority in respect of any operation carried out in the exercise of their statutory functions.

8. Subject to the provisions of section 5 of the Sea Fisheries (Shellfish) Act 1967, this Order shall continue in operation for thirty years from the date of its coming into operation and no longer.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th April 1975.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order confers on the Emsworth Harbour Fishermen's Federation Limited a right of several fishery for oysters, mussels and clams on a portion of the bed of the sea in Emsworth Channel.

The map referred to in Article 3 may be inspected during office hours at the Fisheries Department, Ministry of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London S.W.1.

The Secretary of State whose prior approval is required for works on, over or under tidal lands by virtue of Article 5 is the Secretary of State for Trade.

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