STATUTORY INSTRUMENTS

1976 No. 153

SEA FISHERIES

SHELLFISH

The Falkenham Creek Reach Oyster Fishery Order 1976

Made - - - -	*4th February* 1976
Laid before Parliament	*12th February* 1976
Coming into Operation	*4th March* 1976

The Minister of Agriculture, Fisheries and Food, having received objections to a draft order published in accordance with Schedule 1 to the Sea Fisheries (Shellfish) Act 1967(**a**) and having appointed a person to act as inspector respecting the proposed order, after considering the said objections and the report of the inspector, in exercise of the powers conferred on him by section 1 of the said Act 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 Falkenham Creek Reach Oyster Fishery Order 1976 and shall come into operation on 4th March 1976.

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

(2) The Interpretation Act 1889(**b**) 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 Robert Charles Brinkley of 4 Harbour Villas, Felixstowe Ferry, Felixstowe in the County of Suffolk (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 over that part of the River Deben known as Falkenham Creek Reach in the County of Suffolk containing an area of 54 acres (22 hectares) or thereabouts as shown coloured pink on the definitive 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.

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 the Secretary of State may prescribe before such works are begun.

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

6. Nothing in this 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 the right of the Crown and under the management of the Crown Estate Commissioners.

7. Subject to the provisions of section 5 of the Sea Fisheries (Shellfish) Act 1967, this Order shall continue in operation for 30 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 4th February 1976.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers on Robert Charles Brinkley a right of several or exclusive oyster fishery on a portion of the bed and foreshore of the River Deben known as Falkenham Creek Reach.

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 SW1.

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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