STATUTORY INSTRUMENTS

1963 No. 1005.....

SEA FISHERIES

THE HORSEY ISLAND OYSTER FISHERY ORDER 1963

Made 24th May 1963

Laid before Parliament 30th May 1963

Coming into operation 1st June 1963

The Minister of Agriculture, Fisheries and Food (hereinafter referred to as "the Minister") in exercise of his powers under Sections 29 and 34 of the Sea Fisheries Act 1868 (a), Section 23 of the Sea Fish Industry Act 1962 (b) and of all other powers enabling him in that behalf hereby makes the following Order:-

1. (1) This Order may be cited as the Horsey Island Oyster Fishery Order 1963 and shall come into operation on 1st June 1963.

(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.

2. Wilfred Jasper Backhouse, Gentleman, and Nancy Catherine Backhouse, his wife, both of Horsey Island, Walton-on-the-Naze in the County of Essex, shall be the Grantees of the fishery mentioned in this Order, and the expression "Grantees" shall be deemed to include their successors and assigns where the context so admits.

3. The right of fishery hereby conferred shall subsist over those parts of the river bed below the low water mark of medium tides in the Creeks known respectively as Kirby Creek and the Twizzle situate to the West and South of Horsey Island and Hedge-end Island in the County of Essex containing an area of about 61 acres or thereabouts as the same are more particularly shown in pink colour edged red on the definitive map sealed by the Minister.

4. This Order confers on the Grantees a right of several or exclusive oyster fishery within the limits above mentioned.

(a) 31 & 32 Vict. c.45.

(b) 10 & 11 Eliz. 2.c.31.

(c) 52 & 53 Vict.c.63.

5. The limits of the area to which this Order applies shall be marked out by notice boards erected at such places and in such manner as the Minister may from time to time require and the Grantees shall maintain such notice boards in good repair.

6. 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 Minister of Transport and subject to such conditions and restrictions as the Minister of Transport may prescribe before such work is begun .

7. Subject to the provisions of Section 45 of the Sea Fisheries Act 1868 and of Section 2 of the Oyster and Mussel Fisheries Orders Confirmation Act 1869 (No.2) (d) this Order shall continue in operation for sixty years from the date of its coming into operation and no longer.

8. Nothing in this Order shall effect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Grantees 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 without the previous consent in writing of the Crown Estate Commissioners.

IN WITNESS WHEREOF the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th May
..... 1963

Christopher Soames

(C.S.)

Minister of Agriculture, Fisheries and Food.

(d) 32 & 33 Vict.c.31.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport)

This Order, made under powers contained in the Sea Fisheries Act 1868 (as amended) confers upon Wilfred Jasper Backhouse and Nancy Catherine Backhouse rights of several or exclusive oyster fishery in part of the creeks known as Kirby Creek and the Twizzle near Walton-on-the-Naze, in the County of Essex.

The situation and extent of the fishery is shown on the definitive map sealed by the Minister of Agriculture, Fisheries and Food which may be inspected during office hours at the Fisheries Department, Ministry of Agriculture, Fisheries and Food, East Block, Whitehall Place, London, S.W.1.



This is the map referred to in Article 3 of the Horsey Island Oyster Fishery Order 1963.

IN WITNESS whereof the Official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twenty-fourth day of May Nineteen hundred and sixty three.

(Signed) [signature]

~~Authorised by the Minister~~

ASSISTANT SECRETARY