STATUTORY INSTRUMENTS

1978 No. 243

SEA FISHERIES

SHELLFISH

The Menai Strait (West) Oyster, Mussel and Clam Fishery Order 1978

Made - - - -	21*st February* 1978
Laid before Parliament	2*nd March* 1978
Coming into Operation	23*rd March* 1978

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, no objections having been received 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 them by section 1 of the said Act, as amended by section 15(2) of the Sea Fisheries Act 1968**(b)** and by article 3 of, and paragraph 5 of Schedule 2 to, the Transfer of Functions (Wales) Order 1969**(c)**, and of all other powers enabling them in that behalf, with the consent of the Crown Estate Commissioners, hereby make the following Order:—

1. This Order may be cited as the Menai Strait (West) Oyster, Mussel and Clam Fishery Order 1978 and shall come into operation on 23rd March 1978.

2.—(1) In this Order "the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales.

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

3. There is hereby conferred upon the Local Fisheries Joint Committee for the Lancashire and Western Sea Fisheries District**(e)** (hereinafter referred to as "the Committee" which expression shall include the persons for the time being entitled to the right conferred by this Order) the right of several fishery for oysters, mussels and clams over the area specified in article 5 of this Order.

4. The Committee is hereby constituted a body corporate for the purposes of this Order.

5. The Order relates to those parts of the foreshore of the Menai Strait (Arfon Menai) situated in the County of Gwynedd which are hereinafter described (and are hereinafter called "the fishery").

PLOT A of 60 hectares or thereabouts, comprising the foreshore above the low-water mark of spring tides between a line parallel to and 120 metres south of Moel-y-Don Jetty and the Old Boat House Jetty, Llanidan;

Plot B of 25 hectares or thereabouts, comprising the foreshore above the low-water mark of spring tides between the Old Boat House at Trefarthen and a line extending southeast from the junction of the B4419 road and the shore road;

(a) 1967 c. 83. (b) 1968 c. 77. (c) S.I. 1969/388. (d) 1889 c. 63.
(e) For the creation of the Lancashire and Western Sea Fisheries District and the constitution of a local fisheries committee for the regulation of the sea fisheries within that district, see S.R. & O. 1900/292; 1906/644; 1933/295; S.I. 1973/2199.

PLOT C of 7 hectares or thereabouts, comprising the foreshore between the low-water mark of spring tides and the low-water mark of neap tides between a line from the house known as Plas-y-Borth to the centre of the south-western turret of Caernarfon Castle and a line from the south-western end of the Old Dock at Plas Penrhyn to the centre of the south-western turret of Caernarfon Castle;

PLOT D of 4 hectares or thereabouts, comprising the foreshore above the low-water mark of spring tides from a point 300 metres north-east of the Ferrodo factory outfall at Griffiths Crossing to a point 690 metres north-east of the said outfall;

as the same are shown coloured pink on the map, one copy of which has been deposited and is available for inspection at the offices of the Committee and one each at the offices of the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales.

6. The right of several fishery hereby conferred shall not be exercised by the Committee in its corporate capacity but the Committee may grant to any of its members a lease under the provisions of article 7 of this Order.

7. The Committee may from time to time lease the right of several fishery hereby conferred over all or any part of the fishery.

8. Subject to the provisions of article 10 of this Order the limits of the fishery and of any part thereof which may be leased under article 7 of this Order shall be marked out in such a manner as the Ministers may from time to time require and the marks shall be maintained in good repair.

9. The rents received by the Committee in respect of any lease granted by them under article 7 of this Order shall be applied for the following purposes in the order of priority listed below:—

(i) the discharge of the expenses of obtaining this Order;

(ii) the placing and maintenance of the marks prescribed under article 8 of this Order;

(iii) the destruction of pests harmful to oysters, mussels and clams;

(iv) the management, supervision and improvement of the fishery.

10. 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.

11. 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.

12. 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 Committee 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 management of the Crown Estate Commissioners.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th February 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Foods.

21st February 1978.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers upon the Local Fisheries Joint Committee for the Lancashire and Western Sea Fisheries District the right of several or exclusive fishery for oysters, mussels and clams over parts of the bed of the Menai Strait in the County of Gwynedd.

The situation and extent of the fishery are defined in the Order and are shown for the purpose of identification only on maps deposited at the Joint Committee's offices and at the offices of the Ministry of Agriculture, Fisheries and Food and the Secretary of State for Wales.

The Secretary of State whose prior approval is required for works on, over or under tidal lands by virtue of article 10 is the Secretary of State for Trade.

Printed in England by Harrison & Sons (London) Ltd., and published by Her Majesty's Stationery Office

27/24346 A.62 K8 2/78

ISBN 0 11 083243 4