STATUTORY INSTRUMENTS

1965 No. 1971

SEA FISHERIES

SHELL FISH

The Molluscan Shellfish (Control of Deposit) Order 1965

Made - - - - - 16*th November* 1965

Coming into Operation - 1*st January* 1966

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 19 of the Sea Fish Industry Act 1962(a), and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation and Commencement

1. This Order may be cited as the Molluscan Shellfish (Control of Deposit) Order 1965 and shall come into operation on 1st January 1966.

Interpretation

2.—(1) In this Order,

" designated land " means the land designated in Article 3(2) of this Order;

" designated waters " means the waters designated in Article 3(1) of this Order;

" the Minister " means the Minister of Agriculture, Fisheries and Food;

" molluscan shellfish " means molluscan shellfish of any kind whether alive or dead and includes any part of a molluscan shellfish and any (or any part of any) brood, ware, half ware, spat or spawn of such shellfish and the shell or any part of the shell thereof;

" shellfish bed " means any bed or ground used for the propagation or cultivation of shellfish.

(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.

Designation

3.—(1) The Minister hereby designates for the purposes of this Order all tidal waters (whether forming part of the sea or not) within the seaward limits of the territorial waters adjacent to England and Wales.

(2) The Minister hereby designates for the purposes of this Order the foreshore adjacent to designated waters and all land comprising shellfish cleansing and storage tanks, shellfish pits and shellfish ponds from which effluent may be discharged into designated waters.

Prohibition of Deposit

4.—(1) No molluscan shellfish, taken from shellfish beds in Australia, Canada, New Zealand, Japan, the United States of America, South America or the territorial waters adjacent thereto, shall be deposited in the designated waters or upon the designated land.

(a) 10 & 11 Eliz. 2. c. 31. (b) 52 & 53 Vict. c. 63.

(2) No oysters or mussels taken from shellfish beds within any of the areas specified in the second column of Parts I, II, III or IV of the Schedule to this Order shall be deposited in the designated waters or upon the designated land specified in the first column of the same part of the said Schedule.

Meaning of " deposit "

5. For the purposes of this Order a person shall be taken to deposit shellfish in any particular waters if he causes the shellfish to enter those waters, and any reference to depositing shellfish upon land includes a reference to throwing down dropping or otherwise discharging the shellfish upon that land.

Exemptions

6. The prohibitions imposed by this Order shall not apply to any shellfish if—

(*a*) they are deposited under the authority of a licence granted by the Minister, and

(*b*) the conditions (if any) specified in that licence are complied with.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 16th November 1965.

(L.S.)

Frederick Peart,

Minister of Agriculture, Fisheries and Food.

SCHEDULE

Designated waters adjacent to or within and designated land within the following counties or parts of counties:—	Areas
PART I	
Durham, Yorkshire, Lincolnshire, Norfolk, Cardiganshire, Merionethshire, Caernarvonshire, Denbighshire, Cheshire and Westmorland; the parts of Lancashire, Cumberland and Northumberland other than the parts of those counties referred to in the first column of Part II of this Schedule.	(a) All countries outside the United Kingdom, other than the Republic of Ireland (except as hereinafter mentioned) and the Isle of Man and their respective territorial waters. (b) The following counties or parts of counties and the territorial waters adjacent thereto:— *In England and Wales* Suffolk, Essex, Kent, Sussex, Hampshire (including the Isle of Wight), Dorset, Devon, Cornwall, Somerset, Gloucestershire, Monmouthshire, Pembrokeshire, Glamorganshire and Carmarthenshire; those parts of Lancashire and Cumberland contained within a line drawn from

SCHEDULE

Designated waters adjacent to or within and designated land within the following counties or parts of counties:—	Areas
PART I *continued*	the easternmost point of Foulney Island through the Post Offices at Kirkby-in-Furness, Broughton-in-Furness, and Millom respectively and thence by the shortest route due west to the sea coast; that part of Northumberland lying south of a line drawn east and west through Dunstanburgh Castle. *In Scotland* That part of Fife which lies to the west of a line drawn due north from Kinghorn Ness; that part of Stirlingshire which lies east of the meridian of 4 degrees west longitude; Clackmannanshire, West Lothian, Midlothian, that part of East Lothian which lies to the west of a line drawn due south from Gullane Point, Ayrshire Bute excluding the Isle of Arran. That part of Renfrewshire which lies to the west of a line drawn due south from the point where the western boundary of the burgh of Port Glasgow meets the River Clyde, that part of Dunbartonshire which lies to the west of a line drawn due north from the point where the western boundary of the burgh of Dumbarton meets the River Clyde, that part of Argyllshire which lies to the east of a line drawn due north from Ardlamount Point and south of the parallel of 56 degrees north latitude, Dumfriesshire. *In the Republic of Ireland* Those parts of Galway and Clare contained within a line drawn from the mouth of the Owenboliska Rivulet at Spiddal, through the Post Offices at Claregalway, Kilcolgan and Ballyvaughan respectively and thence to Blackhead; that part of Cork which lies to the east of a line drawn due north across the country from Galley Head.

SCHEDULE

Designated waters adjacent to or within and designated land within the following counties or parts of counties:—	Areas
PART II	
Those parts of Lancashire and Cumberland contained within a line drawn from the easternmost point of Foulney Island, through the Post Offices at Kirby-in-Furness, Broughton-in-Furness and Millom respectively and thence by the shortest route to the sea-coast; that part of Northumberland lying south of a line drawn east and west through Dunstanburgh Castle.	(a) All countries outside the United Kingdom, other than the Republic of Ireland and the Isle of Man and their respective territorial waters. (b) The following counties or parts of counties and the territorial waters adjacent thereto:— Suffolk, Essex, Kent, Sussex, Hampshire (including the Isle of Wight), Dorset, Devon, Cornwall, Somerset, Gloucestershire, Monmouthshire, Pembrokeshire, Glamorganshire and Carmarthenshire.
PART III	
Devonshire, Cornwall, Somerset, Gloucestershire, Monmouthshire, Glamorganshire, Pembrokeshire, and Carmarthenshire.	Suffolk, Sussex, Hampshire (including the Isle of Wight) and Dorset; Essex and Kent, Belgium, Holland, Western Germany and Denmark and their respective territorial waters.
PART IV	
Suffolk, Sussex, Hampshire, (including the Isle of Wight) and Dorset.	The counties of Essex and Kent and the territorial waters adjacent thereto.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits the deposit of shellfish from Australia, Canada, New Zealand, Japan, the United States of America, South America or the territorial waters adjacent thereto in tidal waters around England and Wales or on specified parts of the foreshore adjacent thereto.

The Order further sets out a number of areas of waters around England and Wales and adjoining foreshore into which oysters and mussels must not be brought from other specified areas.