1965 No. 1992 (S. 108)

SEA FISHERIES

SHELL FISH

The Molluscan Shellfish (Control of Deposit) (Scotland) Order 1965

Made - - - - 19*th November* 1965
Coming into Operation 1*st January* 1966

In exercise of the powers conferred upon me by section 19 of the Sea Fish Industry Act 1962(a), and of all other powers enabling me in that behalf, I hereby make the following Order :—

Citation and Commencement

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

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

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

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

" waters first designated " and " waters second designated " mean the waters designated in Article 3(1)(*a*) and (*b*) respectively of this Order.

Other expressions have, where the context so permits, the same meanings as in the Sea Fish Industry Act 1962.

(2) 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 on that land.

(3) The Interpretation Act 1889(b), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Designated Waters and Land

3.—(1) The following waters are hereby designated for the purposes of this Order, that is to say—

(*a*) All tidal waters (whether forming part of the sea or not) within the seaward limits of the territorial waters adjacent to Berwickshire, that

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

part of East Lothian lying to the east of Gullane Point, those parts of Fife lying to the east of a line drawn due north (true) from Kinghorn Ness or to the north of a straight line joining Kinghorn Ness and Alloa in Clackmannanshire, Perthshire, Angus, Kincardineshire, Aberdeenshire, Banffshire, Moray and Nairn, Inverness-shire, Ross and Cromarty, Sutherland, Caithness, Orkney, Zetland, that part of Argyll lying to the west of straight lines drawn from Ardlamont Point to Kilfinan thence to Lochgoilhead and thence to the head of Loch Long, the Isle of Arran, those parts of Wigtownshire lying to the west of a straight line drawn from Corsewall Point to Portpatrick or south of a straight line joining Portpatrick and Newton Stewart and Kirkcudbrightshire; and

(*b*) All tidal waters (whether forming part of the sea or not) within the seaward limits of the territorial waters adjacent to Scotland and not forming part of the waters first designated.

(2) The following land is hereby designated for the purposes of this Order, that is to say, the foreshore adjacent to the waters first designated or the waters second designated and all land comprising shellfish cleansing and storage tanks, pits and ponds from which effluent may be discharged into either of such waters.

Prohibition of Deposit

4.—(1) No shellfish of the following description, that is to say molluscan shellfish, taken from any shellfish beds in any tidal waters adjacent to Australia, Canada, New Zealand, Japan, the United States of America and South America shall be deposited in the waters first designated or the waters second designated or upon the designated land.

(2) No molluscan shellfish of the following kind, that is to say, oysters or mussels, taken from shellfish beds in any of the areas specified in Part I of the Schedule to this Order shall be deposited in the waters first designated or upon the designated land adjacent to those waters.

(3) No molluscan shellfish of the following kind, that is to say, oysters or mussels taken from shellfish beds in any of the areas specified in Part II of the said Schedule shall be deposited in the waters second designated or upon the designated land adjacent to those waters.

Exemptions

5. The prohibitions imposed by this Order shall not apply in the case of any molluscan shellfish which are deposited under the authority of a licence granted by the Secretary of State and in compliance with the conditions (if any) specified in that licence.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

19th November 1965.

SCHEDULE

PART I

Specification of areas from which oysters or mussels may not be deposited in the waters first designated or upon the designated land adjacent thereto.

(*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 waters second designated and the designated land adjacent thereto.

(*c*) 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 the eastermost 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 Dunstanborough Castle.

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 Claragalway, 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 county from Galley Head.

PART II

Specification of areas from which oysters or mussels may not be deposited in the waters second designated or upon the designated land adjacent thereto.

(*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:—

In England and Wales

Suffolk, Essex, Kent, Sussex, Hampshire (including the Isle of Wight), Dorset, Devon, Cornwall, Somerset, Gloucestershire, Monmouthshire, Pembrokeshire, Glamorganshire and Carmarthenshire.

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 Scotland or on specified parts of the foreshore adjacent thereto.

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