CHAPTER li.

An Act to confirm an Order made by the Secretary for Scotland under the Sea Fisheries Act, 1868, relating to a several Mussel Fishery at Cockenzie, County of Haddington. [3rd July 1894.]

A.D. 1894.

WHEREAS an Order made by the Secretary for Scotland under the Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

31 & 32 Vict. c. 45.

And whereas it is expedient that the Order made by the Secretary for Scotland under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of Order in schedule.

1. The Order set out in the schedule to this Act shall be and the same is hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as the Mussel Fishery (Cockenzie) Order Confirmation Act, 1894.

[*Price* 3*d.*]

A.D. 1894.

SCHEDULE.

ORDER for ESTABLISHMENT and MAINTENANCE by the MUNICIPALITY of COCKENZIE and PORT SETON of a several MUSSEL FISHERY on the foreshore of the land lying between the Eastern Boundary of the Burgh of Prestonpans and the Western Boundary of Cockenzie and Port Seton, in the County of Haddington.

Undertakers.

1. The Burgh Commissioners of Cockenzie and Port Seton (herein-after referred to as the municipality) shall be the undertakers of the fishery mentioned in this Order.

Entry upon lands described in plans.

2. For the purposes of the fishery and works authorised by this Order, the municipality may from time to time enter on, take, and use all or any part of the lands described in the plans deposited for the purposes of this Order.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, are hereby incorporated with this Order.

Limits of fishery and plans.

4. The following are the municipality's fishery ground under this Order (as shown on plans deposited at the Fishery Board for Scotland), namely:—All those parts of the foreshore situated within the parish of Prestonpans, in the county of Haddington, containing an area of 37 imperial acres and 2,000 square yards or thereabout, and bounded as follows:—Extending from the eastern boundary of the burgh of Prestonpans, where it touches the high water mark, in a north 35° east direction for about 2,850 feet or thereby along the high water mark till it reaches the western boundary of the burgh of Cockenzie and Port Seton; thence in a north 36° west direction for about 180 feet or thereby till it reaches the low water mark on the north side of the Black Rocks; thence in a south 67° west direction for about 1,350 feet or thereby along the low water mark to about 350 feet or thereby beyond the western end of the Black Rocks; and thence in a south 24° west direction along the low water mark for about 1,700 feet, till it meets a line drawn in a north west direction for about 450 feet from the eastern boundary of Prestonpans burgh, where it touches the high water mark.

Right to fishery.

5. This Order confers on the municipality a right of several mussel fishery within the limits above mentioned.

Marking of limits.

6. The limits of the said several fishery shall be marked out or buoyed as the Board of Trade may from time to time prescribe.

Replacement of marks.

7. In the event of the marks prescribed by the Board of Trade being obliterated by storm or otherwise, they shall be replaced by the municipality.

Works not to be commenced without assent of Fishery Board and of Board of Trade.

8. No buildings, erections, embankments, or works, other than the marks mentioned in Article 6 of this Order, shall at any time be commenced or executed within the limits above described without the previous sanction and approval, in writing, of the Fishery Board for Scotland, and of the Board of Trade.

Undertakers to render account.

9. The municipality shall render to the Fishery Board for Scotland such accounts of expenditure and income in connection with said several fishery, and of all mussels sold by the municipality, in such form and at such times as the Board may require, and shall allow the Board, or any person appointed by them, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such Board or person all such information relating thereto as they or he may require.

Duration of Order.

10. This Order shall continue in operation for sixty years from its confirmation and no longer.

Saving of rights under Crown Lands Act, 1866.

11. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866.

Saving of rights under Schaw Bequest.

12. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges of the Schaw Bequest, who claim to be the proprietors of the foreshore, but the right and title to such foreshore shall remain in the same state as if this Order had not been made.

Short title.

13. This Order may be cited as the Cockenzie Fishery Order, 1894.

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