STATUTORY INSTRUMENTS

1984 No. 907

SEA FISHERIES

SHELLFISH

The Southampton Water (Chilling) Oyster Fishery Order 1984

Made - - -	*29th June* 1984
Laid before Parliament	*11th July* 1984
Coming into Operation	*1st August* 1984

The Minister of Agriculture, Fisheries and Food, having received objections to a draft order published in accordance with Schedule 1 to the Sea Fisheries (Shellfish) Act 1967(a) and having appointed a person to act as inspector respecting the proposed order, after considering the said objections and the report of the inspector, in exercise of the powers conferred on him by section 1(1) and (3) of that Act and of all other powers enabling him in that behalf, with the consent of the Crown Estate Commissioners in accordance with section 1(4) of that Act, hereby makes the following order:—

Title, commencement and interpretation

1.—(1) This order may be cited as the Southampton Water (Chilling) Oyster Fishery Order 1984, and shall come into operation on 1st August 1984.

(2) In this order —

"the fishery" means the area to which this order applies;

"the grantees" means Brownwich Reach Oystermen Limited whose registered office is at 37 Hocombe Drive, Chandlers Ford, Hampshire S05 1QE or any other person for the time being entitled to the right of several fishery conferred by this order;

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

Right of several fishery

2. Subject to articles 3 and 4 of this order, there is hereby conferred on the grantees the right of several fishery for oysters for a period of 7 years with respect to that part of Southamption Water off Chilling in the county of Hampshire which is shown coloured pink on the map (hereinafter called "the definitive map") prepared in duplicate, sealed with the Official Seal of the Minister and marked "The Southampton Water (Chilling) Oyster Fishery Order 1984—Definitive map showing the situation and extent of the area concerned", one copy of which has been deposited and is available for inspection at the offices of the grantees and the other at the offices of the Minister.

(a) 1967 c.83; section 1 was amended by the Sea Fisheries Act 1968 (c.77), section 15 and the Fishery Limits Act 1976 (c.86), section 9(1) and Schedule 2, paragraph 15.

Marking of limits of fishery

3. The grantees shall mark out the limits of the fishery in such manner as the Minister may from time to time direct and shall maintain such marks in position and good repair.

Taking of samples for the purpose of disease control

4. The grantees shall permit a person authorised in that behalf by the appropriate Minister to do the following things for any purpose connected with preventing the spreading of disease:—

(*a*) at any reasonable time to enter any land within the limits of the fishery;

(*b*) to obtain and take away samples (provided that they have been marked, labelled or otherwise made capable of identification) of any shellfish found within those limits;

(*c*) when the purpose for which any such sample was taken has been satisfied, to dispose of it as he may determine.

Accounts of income and expenditure and other information

5. The grantees shall render to the Minister annual accounts of their income and expenditure under this order, and shall furnish to the Minister all other information required by him with reference to this order and the fishery in such form and at such times as he may require, and shall allow any person authorised by the Minister in that behalf to inspect the fishery and all books of account and other documents in the possession of the grantees relating to this order and the fishery and give to such person any information relating thereto as he may require.

Saving rights of the Crown

6. 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 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.

Restrictions relating to Associated British Ports, the Central Electricity Generating Board, the Southern Electricity Board and the Southern Water Authority

7. Nothing in this order shall affect prejudicially Associated British Ports, the Central Electricity Generating Board, the Southern Electricity Board or the Southern Water Authority in respect of any operation carried out by any of these bodies in exercise of their statutory functions.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th June 1984.

Michael Jopling,
Minister of Agriculture
Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order confers on Brownwich Reach Oystermen Limited the right of several or exclusive fishery for oysters over part of Southamption Water off Chilling in the county of Hampshire.

The situation and extent of the fishery are shown in the definitive map sealed by the Minister of Agriculture, Fisheries and Food, which may be inspected by appointment during office hours at the offices of the grantees at 37 Hocombe Drive, Chandlers Ford, Hampshire S05 1QE or at the offices of the Fisheries Department of the Ministry of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1P 2AE.