1988 No. 1024

SEA FISHERIES

SHELLFISH

The Stanswood Bay Oyster Fishery Order 1988

Made - - - -	*10th June 1988*
Laid before Parliament	*21st June 1988*
Coming into force -	*12th July 1988*

Whereas an application for an Order under section 1 of the Sea Fisheries (Shellfish) Act 1967(a) was made to the Minister of Agriculture, Fisheries and Food ("the Minister") by Stanswood Bay Oystermen Limited ("the company");

And whereas the Minister prepared a draft Order and served a copy of it on the company in accordance with paragraph 1 of Schedule 1 to the said Act;

And whereas the company caused printed copies of the draft Order to be published and circulated, and gave notice of the application, in accordance with paragraph 2 of the said Schedule;

And whereas objections were received by the Minister, under paragraph 3 of the said Schedule, which he considered to be neither frivolous nor irrelevant, and which were not withdrawn;

And whereas the Minister appointed an inspector respecting the proposed Order in accordance with paragraph 4(2) of the said Schedule, and the inspector made an inquiry in accordance with paragraph 4(3) thereof, and made a report to the Minister in accordance with paragraph 4(7) thereof stating that in his opinion the proposed Order should be made;

Now, therefore, the Minister, in exercise of the powers conferred on him by the said section 1 and of all other powers enabling him in that behalf, and with the consent of the Crown Estate Commissioners, hereby makes the following Order:–

Title, commencement and interpretation

1.—(1) This Order may be cited as the Stanswood Bay Oyster Fishery Order 1988 and shall come into operation on 12th July 1988.

(2) In this Order–

"the company" means Stanswood Bay Oystermen Limited, whose registered office is at 37 Hocombe Drive, Chandler's Ford, Eastleigh, Hampshire SO5 1QE;

"the grantee" means the company or such other person as is 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; and

(a) 1967 c.83; section 1 was amended by section 15(2) of the Sea Fisheries Act 1968 (c.77) and paragraph 15 of Schedule 2 to the Fishery Limits Act 1976 (c.86) and is to be read with section 15(3) to (5) of the Sea Fisheries Act 1968; Schedule 1 was amended by section 15(7) of the Sea Fisheries Act 1968.

"the 1973 Order" means the Stanswood Bay Oyster Fishery Order 1973(a) as extended by the Stanswood Bay Oyster Fishery (Extension of Period) Order 1979(b).

Right of several fishery

2. Subject to the following provisions of this Order, there is hereby conferred on the company until 1st June 1995 the right of several fishery for oysters with respect to the areas specified in paragraphs 1 and 2 of the Schedule to this Order.

Marking of limits of fishery

3. The grantee shall mark the limits of the area to which this Order and the 1973 Order together apply in such manner as the Minister may from time to time direct and shall maintain such marks in position and in good repair.

Taking of samples for the purpose of disease control

4. The grantee shall permit any person authorised in that behalf by the Minister to do the following things for any purpose connected with preventing the spreading of disease–

(a) at any reasonable time to obtain samples of any shellfish found within the area to which this Order and the 1973 Order together apply and, provided they have been marked, labelled or otherwise made capable of identification, to remove them from that area;

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

Approval of Associated British Ports for certain fishing

5. The grantee shall not dredge, fish for or take oysters within the area specified in paragraph 1 of the Schedule to this Order without the prior approval in writing of Associated British Ports.

Control of deposits

6. The grantee shall not without the written consent of the Minister deposit or permit any other person to deposit within the limits of the area to which this Order and the 1973 Order together apply any oyster of the species *Ostrea edulis* and shall comply with any condition subject to which the Minister gives his consent to the deposit of any such oyster.

Accounts of income and expenditure and other information

7. The grantee shall render to the Minister annual accounts of its income and expenditure under this Order and the 1973 Order, and shall furnish to the Minister all other information required by him with reference to those Orders and the area to which they together apply 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 that area and all books of account and other documents in the possession of the grantee relating to those Orders and that area and give to such person any information relating thereto as he may require.

Variation of the 1973 Order

8. The 1973 Order is hereby varied by substituting for articles 4 and 5 thereof the following articles:–

"Marking of limits of fishery

4. The grantee shall mark the limits of the area to which this Order and the Stanswood Bay Oyster Fishery Order 1988 together apply in such manner as the Minister may from time to time direct and shall maintain such marks in position and in good repair.

(a) S.I. 1973/861.
(b) S.I. 1979/1137.

Taking of samples for the purpose of disease control

5. The grantee shall permit any person authorised in that behalf by the Minister to do the following things for any purpose connected with preventing the spreading of disease–

(a) to obtain and take away samples, provided they are marked, labelled or otherwise made capable of identification, of any shellfish found within the area to which this Order and the Stanswood Bay Oyster Fishery Order 1988 together apply;

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

Control of deposits

5A. The grantee shall not without the written consent of the Minister deposit or permit any other person to deposit within the limits of the area to which this Order and the Stanswood Bay Oyster Fishery Order 1988 together apply any oyster of the species *Ostrea edulis* and shall comply with any condition subject to which the Minister gives his consent to the deposit of any such oyster.".

Saving for rights of the Crown

9. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular nothing in the Order shall authorise the grantee 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

10. 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 operations carried out by any of those bodies in the exercise of their statutory functions.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th June 1988.

L.S.

John MacGregor
Minister of Agriculture, Fisheries and Food

SCHEDULE

Articles 2 and 5

THE AREAS WITH RESPECT TO WHICH A RIGHT OF SEVERAL FISHERY FOR OYSTERS IS CONFERRED BY THIS ORDER

The area where approval of Associated British Ports is required

1. A triangular area near Bourne Gap buoy in Stanswood Bay, Hampshire which is bounded by the south-eastern limit of the area to which the 1973 Order applies, the south-western limit of the area to which the Calshot Oyster Fishery Order 1982(a) applies and in the south by a line drawn from Hill Head to Stansore Point Beacon, and which is coloured red on the map described in paragraph 3 of this Schedule.

(a) S.I. 1982/135.

The area where approval of Associated British Ports is not required

2. The area of Stanswood Bay, Hampshire, between lowest astronomical tide on the Hampshire coast and the north-western limit of the area to which the 1973 Order applies, being the area stippled in blue on the map described in paragraph 3 of this Schedule.

The definitive map

3. The map to which reference is made in paragraphs 1 and 2 of this Schedule is the definitive map sealed in duplicate by the Minister and marked "Map referred to in the Stanswood Bay Oyster Fishery Order 1988", one copy of which is in the possession of the company, and the other copy of which is in the possession of the Minister.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on Stanswood Bay Oystermen Limited ("the company") the right of several fishery for oysters in parts of Stanswood Bay, Hampshire, which are adjacent to the area in which a similar right was conferred on the company by the Stanswood Bay Oyster Fishery Order 1973 ("the 1973 Order"). This Order thus has the effect of enlarging the area in respect of which the company has the right of several fishery for oysters.

The Order requires the company (or such other person as is for the time being entitled to the right of several fishery conferred by the Order) to mark the limits of the enlarged area; and to permit authorised persons to take samples of shellfish for the purpose of disease control and to refrain from depositing oysters of the species *Ostrea edulis* without the written consent of the Minister of Agriculture, Fisheries and Food. In part of the new area the prior approval in writing of Associated British Ports is required before the right conferred by the Order may be exercised. The Order introduces a requirement for annual accounts of income and expenditure to be submitted to the Minister of Agriculture, Fisheries and Food. Certain consequential amendments are made to the 1973 Order.

The new parts of the fishery are shown on the definitive map sealed in duplicate by the Minister of Agriculture, Fisheries and Food, which may be inspected during office hours at the Fisheries Department, Ministry of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1P 2AE or at the offices of the grantee at 37 Hocombe Drive, Chandler's Ford, Eastleigh, Hampshire SO5 1QE.

The right conferred by this Order, like the right conferred by the 1973 Order, expires on 1st June 1995.

85p net

ISBN 0 11 087024 7

Printed in the United Kingdom for Her Majesty's Stationery Office

845 WO992 C10 6/88 452/3 4235 PS 8901376 881446K