STATUTORY INSTRUMENTS

1999 No. 1708

SEA FISHERIES

SHELLFISH

The Tollesbury and Mersea (Blackwater) Fishery Order 1999

Made - - - -	*16th June 1999*
Laid before Parliament	*17th June 1999*
Coming into force	*14th July 1999*

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 by the Tollesbury and Mersea Native Oyster Fishery Company Limited ("the Company");

And whereas the said 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 the only objection that was received by the said Minister under paragraph 3 of the said Schedule was considered by him to be irrelevant;

Now, therefore, the said 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 and commencement

1. This Order may be cited as the Tollesbury and Mersea (Blackwater) Fishery Order 1999 and shall come into force on 14th July 1999.

Right of several fishery

2. There is hereby conferred on the Tollesbury and Mersea Native Oyster Fishery Company Limited ("the Grantees") for a period of twenty years the right of several fishery for oysters within the limits and subject to the conditions set out in the Schedule to this Order (which are the same limits and conditions as have applied under the Tollesbury and Mersea (Blackwater) Fishery Order 1938**(b)**).

Elliot Morley
Parliamentary Secretary,
16th June 1999 Ministry of Agriculture, Fisheries and Food

(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 and S.I. 1987/218; Schedule 1 was amended by section 15(7) of the Sea Fisheries Act 1968; section 22(1) contains a definition of "the Minister".

(b) The Order is set out in the Schedule to the Sea Fisheries (Tollesbury and West Mersea) Order Confirmation Act 1939 (c. 1i (2 & 3 Geo.6)).

SCHEDULE

LIMITS AND CONDITIONS TO WHICH THE GRANT OF SEVERAL FISHERY IS SUBJECT

Limits of fishery

1. The following are the description and limits of the fishery (as shown on the plan sealed by the Minister of Agriculture and Fisheries**(a)** and marked "Tollesbury and Mersea (Blackwater) Fishery Order 1938") viz. All that part of the bed of the river Blackwater in or adjacent to the parishes of Tollesbury West Mersea Bradwell-on-Sea and St. Lawrence respectively or some or one of them which is covered by water at low water of ordinary or medium tides containing an area of 827.2 hectares**(b)** or thereabouts and bounded as follows (that is to say) on the west by an imaginary line drawn from a beacon placed at low water mark of ordinary or medium tides on the north foreshore of the river Blackwater at the entrance of the creek called Thurslett Fleet or Thistly Creek to a beacon placed at low water mark of ordinary or medium tides on the south foreshore of the river Blackwater at a point opposite to the first-mentioned beacon on the east by an imaginary line drawn from a beacon placed at low water mark of ordinary or medium tides on the north foreshore of the river Blackwater at the entrance of the creek called Besom Fleet to a beacon placed at low water mark of ordinary or medium tides on the south foreshore of the river Blackwater at a point opposite to the first-mentioned beacon on the north in part by low water mark of ordinary or medium tides on the Tollesbury side of the river Blackwater on other part of the north by Virley Channel or Deeps and on the remaining part of the north by low water mark of ordinary or medium tides on the Mersea side of the said river and on the south by low water mark of ordinary or medium tides on the Bradwell side of the said river Blackwater;

And also all that part of the bed of the creek called Thurslett Fleet or Thistly Creek in the parishes of Tollesbury and Tolleshunt D'Arcy containing an area of 23.1 hectares**(c)** or thereabouts which is covered with water at low water of ordinary or medium tides (except such parts if any of the said creek as may belong to private owners);

And also all that part of the bed of the creek called Thorn Fleet otherwise Virley Channel or Deeps in the parishes of Little Wigborough Tollesbury Peldon and West Mersea some or one of them containing an area of 43.7 hectares**(d)** or thereabouts which is covered with water at low water of ordinary or medium tides (except such parts if any of the said creek as may belong to private owners).

Marking of limits

2. The limits of the said several fishery shall be marked out as follows or shall be buoyed as the Minister of Agriculture, Fisheries and Food (hereinafter referred to as "the Minister") may from time to time direct (that is to say):–

As to that part of the fishery which forms part of the bed of the river Blackwater by eight beacons two on the foreshore on the north-west side of the fishery between the entrance to Thurslett Fleet or Thistly Creek and Nass Point one on the east end of the foreshore at Cob Marsh Flats one on the foreshore on the north side of the entrance to the creek called Besom Fleet and one on the foreshore at the south-east extremity of the said fishery directly opposite to the said beacon on the north side of the entrance to Besom Fleet two on the foreshore at equal distances between the beacon at the south-east extremity of the said fishery and the beacon next hereinafter mentioned and the remaining one on the foreshore at the south-west extremity of the said fishery;

As to Thurslett Fleet or Thistly Creek by five beacons two at equal distances on the foreshore on the south-west side and three on the foreshore on the north-west side of the said creek;

As to Thorn Fleet otherwise Virley Channel or Deeps by eleven beacons one on the south foreshore at the entrance to Tollesbury Fleet opposite Old Hall Point one on the foreshore at Old Hall Point one on the foreshore at Sunken Island Point one on the foreshore at Salcott Fleet Point one on the foreshore forming the northern extremity of Thorn Fleet one on the foreshore on the north-west side of the entrance to Sampson's Creek one on the foreshore at Ray Marsh immediately opposite the last-mentioned beacon one on the north and one on the south foreshore of the entrance to the passageway called "The Gut" one on the southern foreshore of Packing Marsh and one on the south-west foreshore of Cob Marsh Island;

(a) The Minister's style and title was changed to that of the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Ministry of Food) Order 1955 (S.I. 1955/554).
(b) The approximate equivalent of 2044 acres.
(c) The approximate equivalent of 57 acres.
(d) The approximate equivalent of 108 acres.

All the said beacons are to be placed at the low water mark of ordinary or medium tides;

If buoys are used to mark the limits the Grantees shall at their own expense provide and maintain the buoys of such size shape and colour as the Corporation of Trinity House may from time to time direct;

In the event of the beacons or buoys being obliterated or removed by storm or otherwise they shall be replaced by the Grantees.

Notice of limits

3. Notice of the said limits and the mode of marking them shall be given to fishermen dredgermen and other persons as follows (that is to say) by advertisements in the local newspapers and by handbills posted at the registered offices of the Grantees and in and about the neighbourhood of the fishery.

Works not to be commenced without assent of Minister and Secretary of State for Trade and Industry

4. No buildings erections embankments or other works shall at any time be commenced or executed within the limits above described without the previous consent in writing of the Minister and the Secretary of State for Trade and Industry.

Grantees to render accounts etc.

5. The Grantees shall render to the Minister such accounts of capital and of expenditure and income and of all oysters sold by them in such form and at such times as the Minister may require and shall allow the Minister or any person appointed by him to inspect the fishery and all books and documents in their possession relating thereto and shall give to the Minister or to such person all such information relating thereto as he may require.

Crown rights

6. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises 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 whatsoever description belonging to Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners without the consent in writing of the Crown Estate Commissioners on behalf of Her Majesty first had and obtained for that purpose.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers a right of several fishery for oysters for a period of twenty years on the Tollesbury and Mersea Native Oyster Fishery Company Limited with the same limits and conditions as have applied to the preceding grant of such a fishery under the Tollesbury and Mersea (Blackwater) Fishery Order 1938.

£1.50

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