STATUTORY INSTRUMENTS

1978 No. 1596

SEA FISHERIES

SHELLFISH

The Upper Collins Creek Oyster and Clam Fishery Order 1978

Made - - - -	8*th November* 1978
Laid before Parliament	10*th November* 1978
Coming into Operation	1*st December* 1978

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 of the said Act as amended by section 15(1) and (2) of the Sea Fisheries Act 1968(b) and of all other powers enabling him in that behalf, and with the consent of the Crown Estate Commissioners, hereby makes the following order:—

Citation, commencement and interpretation

1. This order may be cited as the Upper Collins Creek Oyster and Clam Fishery Order 1978, and shall come into operation on the 1st December 1978.

2.—(1) In this order "the Minister" means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Right of several fishery

3. There is hereby conferred on Michael Charles Rowland Emmett of 22 Church Street, Maldon in the County of Essex and Brian Reginald John Wright of 16 Towers Road, Heybridge, Maldon aforesaid (hereinafter called "the Grantees", which expression shall include the persons for the time being entitled to the right conferred by this order) a right of several fishery for oysters and clams over that part of the River Blackwater known as Upper Collins Creek in the County of Essex containing an area of 2·5 hectares or thereabouts as shown hatched and edged in black on the definitive map sealed by the Minister for the purpose of this order.

Marking of limits of fishery

4.—(1) Subject to the provisions of paragraph (2) of this article, the limits of the area to which this order applies shall be marked out by the Grantees in such manner as the Minister may from time to time direct, and the Grantees shall maintain the marks in position and good repair.

(a) 1967 c. 83. (b) 1968 c. 77.
(c) 1889 c. 63.

(2) Nothing in this order shall authorise the execution of any works on, over or under tidal lands below the level of mean high water springs except in accordance with plans and sections approved by the Secretary of State and subject to such conditions and restrictions as the Secretary of State may prescribe before such works are begun.

Saving rights of the Crown

5. 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.

Duration of order

6. Subject to the provisions of section 5 of the Sea Fisheries (Shellfish) Act 1967 this order shall continue in operation for ten years from the date of its coming into operation and no longer.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th November 1978.

(L.S.) *John Silkin,*
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order confers on Michael Charles Rowland Emmett and Brian Reginald John Wright a right of several or exclusive oyster and clam fishery on a portion of the bed of the River Blackwater in Essex known as Upper Collins Creek.

The map referred to in article 3 may be inspected during office hours at the Fisheries Department, Ministry of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London S.W.1.

The Secretary of State whose prior approval is required for works on, over or under tidal lands by virtue of article 4(2) is the Secretary of State for Trade.

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