
STATUTORY INSTRUMENTS

1978 No. 1854

SEA FISHERIES

The Morecambe Bay Mussel Fishery Order 1978

<i>Made</i> - - - -	14th December 1978
<i>Laid before Parliament</i>	28th December 1978
<i>Coming into Operation</i>	18th January 1979

The Minister of Agriculture, Fisheries and Food, no objections having been received to a draft order published in accordance with Schedule 1 to the Sea Fisheries (Shellfish) Act 1967(a), in exercise of the powers conferred on him by section 1 of the said Act as amended by section 15 of the Sea Fisheries Act 1968(b) and section 9(1) of and paragraph 15 of Schedule 2 to the Fishery Limits Act 1976(c) and of all other powers enabling him in that behalf, with the consent of the Crown Estate Commissioners and the Chancellor of the Duchy of Lancaster in writing, under his hand attested by the Clerk of the Council of the Duchy, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Morecambe Bay Mussel Fishery Order 1978, and shall come into operation on 18th January 1979.

Interpretation

2.—(1) In this Order “the Minister” means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act 1978(d) applies to this Order as it applies to subordinate legislation made after the commencement of that Act.

Right of regulating fishery

3. There is hereby conferred on Lancashire and Western Sea Fisheries Joint Committee, of University of Lancaster, Bailrigg, Lancaster LA1 4XY, (hereinafter called “the Committee”), the right of regulating a fishery for mussels with respect to the area described in article 4 of this Order.

Limits of fishery

4.—(1) The description and limits of the area of the fishery comprised in this Order (hereinafter called “the fishery”) are as follows:—

Those parts of the Western end of Morecambe Bay known as “South America” and “Outermost Skears” containing an area of 4,047 hectares or thereabouts as shown hatched in black on the definitive map sealed by the Minister for the purposes of this Order.

(2) Subject to the provisions of article 9 of this Order, the limits of the fishery shall be marked out by the Committee in such manner as the Minister may from time to time direct.

(a) 1967 c. 83.

(b) 1968 c. 77.

(c) 1976 c. 86.

(d) 1978 c. 30.

Licensing of fishing

5.—(1) No person shall dredge, fish for or take mussels within the limits of the fishery except under the authority of a licence issued by the Committee in that behalf.

(2) A licence shall be used only by the person or persons named therein.

(3) No vessel may be used for dredging, fishing for or taking mussels within the limits of the fishery except under the authority of a licence in which it is so named.

(4) A licence shall be valid for the period not exceeding six months specified therein, and may be made applicable to any specified part or parts of the fishery or to the whole thereof.

Tolls payable for fishing

6. Any person licensed under the provisions of article 5 of this Order to dredge, fish for and take mussels within the limits of the fishery shall pay to the Committee before or upon receipt of his licence a toll calculated as follows:—

(a) In respect of a vessel not exceeding 17 metres registered length	£10.00
(b) In respect of a vessel exceeding 17 metres but not exceeding 20 metres registered length	£20.00
(c) In respect of a vessel exceeding 20 metres but not exceeding 23 metres registered length	£30.00
(d) In respect of a vessel exceeding 23 metres but not exceeding 26 metres registered length	£40.00
(e) In respect of a vessel exceeding 26 metres but not exceeding 29 metres registered length	£50.00
(f) In respect of a vessel exceeding 29 metres registered length	£60.00
(g) In respect of any method of fishing not employing a vessel	£10.00

Power to designate reserves

7. The Committee may from time to time and as occasion requires designate as reserves such areas within it as they consider necessary for the collection of spat or brood of mussels, and may remove or authorise other persons to remove the same from such reserves.

Power to make regulations

8.—(1) The Committee may, with the consent of the Minister, from time to time impose restrictions on and make regulations respecting the dredging, fishing for and taking of mussels within the whole or any specified part or parts of the fishery and during the whole or any specified part or parts of a year or during a specified period and, without prejudice to the generality of the foregoing, for the purpose of—

- (i) determining the size below which it shall be unlawful to take mussels from the fishery or to remove them from one part of the fishery to another, and
- (ii) determining the size or description of vessels, dredges and fishing instruments to be used in dredging, fishing for or taking mussels.

(2) The production of a copy of any regulation purporting to be certified by an Assistant Secretary of the Ministry of Agriculture, Fisheries and Food as a true copy shall be conclusive evidence of the existence and contents of the regulation and of the due making and confirmation thereof.

Restriction on works

9. 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 in writing by the Secretary of State for Trade and subject to such conditions and restrictions as the said Secretary of State may prescribe before the execution of such works is begun.

Accounts of income and expenditure and other information

10. The Committee shall render to the Minister accounts of its income and expenditure under this Order and shall furnish to the Minister all other information required by them with reference to this Order 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 Committee relating to this Order and shall give to such persons any information relating thereto as he may require.

Saving rights of the Crown and the Duchy of Lancaster

11. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown or the Duchy of Lancaster, and in particular nothing herein contained shall authorise the Committee 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 the right of the Crown and under the management of the Crown Estate Commissioners or the Duchy of Lancaster.

Duration of Order

12. Subject to the provisions of section 5 of the Sea Fisheries (Shellfish) Act 1967 this Order shall continue in operation for 30 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 14th December 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 Lancashire and Western Sea Fisheries Joint Committee the right of regulating a fishery for mussels over those parts of the sea bed at the western end of Morecambe Bay known as "South America" and "Outermost Skears".

The area of the fishery is broadly described in the Order, and shown on the definitive map sealed 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.

A copy of the definitive map may be inspected during office hours at the office of the Sea Fisheries Joint Committee, Lancaster University, Bailrigg, Lancaster LA1 4XY.