

1989 No. 2428

SEA FISHERIES

SHELLFISH

The Portland Harbour Fishery Order 1989

Made - - - - - 20th December 1989

Laid before Parliament 21st December 1989

Coming into force 10th January 1990

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 Portland Oystermen Ltd ("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 no objections were received by the Minister under paragraph 3 of the said Schedule;

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 Portland Harbour Fishery Order 1989 and shall come into force on 10th January 1990.

(2) In this Order —

"the Company" means Portland Oystermen Limited, whose registered office is at 7 Page Drive, Southwell, Dorset;

"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 definitive map" means the map sealed in duplicate by the Minister and marked "Map referred to in the Portland Harbour Fishery Order 1989", one copy of which is in the possession of the Company and the other copy of which is in the possession of the Minister;

"the fishery" means that part of Portland Harbour in the county of Dorset which lies below the line of mean low water springs and is shown coloured pink on the definitive map;

(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 Minister” means the Minister of Agriculture, Fisheries and Food.

Right of several fishery

2. Subject to the following provisions of this Order, there is hereby conferred on the company for a period of 10 years beginning on 10th January 1990 the right of several fishery for oysters, scallops and mussels with respect to the fishery.

Marking of limits of fishery

3. The grantee shall mark 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 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 fishery 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.

Control of deposits

5. The grantee shall not without the written consent of the Minister deposit or permit any other person to deposit within the limits of the fishery 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

6. The grantee shall render to the Minister annual accounts of its income and expenditure under this Order, and shall furnish to the Minister all other information required by him with reference to this Order and to 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 grantee relating to this Order and to the fishery and shall give to such person any information relating thereto as he may require.

Rights of the Crown

7. 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 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.

Rights of various persons and bodies

8. Nothing in this Order shall affect prejudicially –
- (a) any right conferred on the operator of a telecommunications system by, or in accordance with, the telecommunication code contained in Schedule 2 to the Telecommunications Act 1984(a);
 - (b) the powers of Southern Gas and the National Rivers Authority in respect of any operation carried out by them in the exercise of their statutory functions;

(a) 1984 c.1

- (c) the powers of any person or body to carry out coast protection work within the meaning of section 49(1) of the Coast Protection Act 1949(a) in accordance with any approval or consent given under that Act.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th December 1989.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on Portland Oystermen Limited ("the Company") the right of several fishery for oysters, scallops and mussels in a specified area of Portland Harbour for a period of 10 years.

The situation and extent of the several fishery are shown on the definitive map described in article 1(2) of the Order, which may be inspected during office hours at the offices of the Company at 7 Page Drive, Southwell, Dorset and at the Fisheries Department, Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

(a) 1949 c. 74 (12 and 13 Geo 6).