
STATUTORY INSTRUMENTS

1998 No. 1146

SEA FISHERIES

SHELLFISH

The Penrhos Point Mussel Fishery Order 1998

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| <i>Made</i> | - - - - | <i>6th May 1998</i> |
| <i>Laid before Parliament</i> | | <i>8th May 1998</i> |
| <i>Coming into force</i> | - - | <i>1st June 1998</i> |

Whereas an application for an Order under section 1 of the Sea Fisheries (Shellfish) Act 1967(1) was made to the Secretary of State by Morecambe Bay Mussels Limited (“the Company”);

And whereas the Secretary of State 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 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objections were received by the Secretary of State, under paragraph 3 of the said Schedule, which were subsequently withdrawn;

Now, therefore, the Secretary of State, in exercise of the powers conferred by the said section 1, and now vested in him(2), 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 Penrhos Point Mussel Fishery Order 1998 and shall come into force on 1st June 1998.

(2) In this Order—

“the Company” means Morecambe Bay Mussels Limited whose registered office is at Cyttr Road, Holyhead, Anglesey, North Wales LL65 2PU;

“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;

(1) 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; section 22(1) contains a definition of “the Minister” and is to be read with S.I.1969/388 and 1978/272.

(2) By S.I. 1969/388 and 1978/272.

“the definitive map” means the map signed in duplicate by a Parliamentary Under Secretary of State, Welsh Office and marked “map referred to in the Penrhos Point Mussel Fishery Order 1998”, one copy of which is in the possession of the grantee and the other copy of which is in the possession of the Secretary of State;

“the fishery” means that area close to Penrhos Point (Gorsedd-y-Penrhyn) which is shown hatched black on the definitive map.

Right of several fishery

2. Subject to the following provisions of this Order, there is hereby conferred on the grantee for a period of 7 years beginning on the date of coming into force of this Order the right of several fishery for 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 Secretary of State may from time to time direct and shall maintain such marks in position and in good repair.

Accounts of income and expenditure and other information

4. The grantee shall render to the Secretary of State annual accounts of its income and expenditure under this Order, and shall furnish to the Secretary of State 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 Secretary of State 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

5. Nothing in this Order shall effect 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, hereditament, subject or right 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

6.—(1) Nothing in this Order shall affect prejudicially the exercise of any statutory power or authority from time to time vested in or exercisable by any person carrying on an undertaking falling within paragraph (2) below.

(2) The following are the undertakings which fall within paragraph (1) above—

- (a) the undertaking of any water undertaker or sewage undertaker;
- (b) any undertaking consisting in the running of a telecommunications code system, within the meaning of Schedule 4 to the Telecommunications Act 1984⁽³⁾;
- (c) the undertaking of any public gas supplier within the meaning of Part 1 of the Gas Act 1986⁽⁴⁾;
- (d) the undertaking of any person authorised by a licence under Part 1 of the Electricity Act 1989⁽⁵⁾ to generate, transmit or supply electricity.

(3) 1984 c. 12.

(4) 1986 c. 44.

(5) 1989 c. 29.

Signed by authority of the Secretary of State for Wales

6th May 1998

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on Morecambe Bay Mussels Limited the right of several fishery for mussels in a specified area at Penrhos Point, Anglesey, for a period of 7 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 Welsh Office Agriculture Department at Cathays Park, Cardiff CF1 3NQ.