
STATUTORY INSTRUMENTS

1999 No. 3049

**SEA FISHERIES
SHELLFISH**

The Portland Harbour Fishery (Variation) Order 1999

Made - - - - *11th November 1999*
Laid before Parliament *19th November 1999*
Coming into force - - *9th January 2000*

Whereas an application for an Order under section 1 of the Sea Fisheries (Shellfish) Act 1967(1) to vary the Portland Harbour Fishery Order 1989(2) was made to the Minister of Agriculture, Fisheries and Food by Portland Oystermen 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the only objections that were made to the said Minister under paragraph 3 of the said Schedule were subsequently withdrawn;

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, commencement and interpretation

1.—(1) This Order may be cited as the Portland Harbour Fishery (Variation) Order 1999 and shall come into force on 9th January 2000.

(2) In this Order “the principal Order” means the Portland Harbour Fishery Order 1989.

(1) 1967 c. 83; section 1 was amended by section 15(2) of the Sea Fisheries Act 1968 (c. 77), paragraph 15 of Schedule 2 to the Fishery Limits Act 1976 (c. 86), and paragraph 42(2) of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820) 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 appropriate Minister”.

(2) S.I. 1989/2428.

Variation of the principal Order

2.—(1) The principal Order shall be amended in accordance with the following paragraphs of this article.

(2) In article 1, paragraph (2):

(a) in the definition of “the Company” for the words after “whose registered office is at” there shall be substituted “Hethfelton Hollow, Wareham, Dorset BH20 6JJ;”;

(b) for the definition of “the definitive map” there shall be substituted the following new definition:

““the definitive map” means the map duly sealed in duplicate with the Minister’s seal and marked “Map referred to in the Portland Harbour Fishery (Variation) Order 1999”, one copy of which is in the possession of the Company and the other copy of which is in the possession of the Minister;”;

(c) in the definition of “the fishery” for “mean low water springs” there shall be substituted “lowest astronomical tide”.

(3) In article 2, for the words “for a period of 10 years beginning on 10th January 1990” there shall be substituted the words “for a period of 20 years beginning on 10th January 1990”.

11th November 1999

Elliot Morley
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies the Portland Harbour Fishery Order 1989 by extending for ten years the period for which the right of several fishery in Portland Harbour is granted to Portland Oystermen Limited (“the Company”) (article 2).

The Order also substitutes “the definitive map” referred to in the principal Order with the map referred to in this Order; amends the definition of the Company to reflect a change in the address of its registered office; and varies the definition of the fishery (article 2).

The situation and extent of the several fishery are shown on the definitive map described in article 1(2) of the principal Order, as amended by this Order, which may be inspected during office hours at the offices of the Company at Hethfelton Hollow, Wareham, Dorset BH20 6HJ and at the Fisheries Department, Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.