

**CHAPTER cxii.**

An Act to confirm a Provisional Order made by the Board of Agriculture and Fisheries under the Sea Fisheries Act 1868 relating to the Estuary of the Wash in the County of Norfolk. [20th July 1906.]

A.D. 1906.

WHEREAS the Board of Agriculture and Fisheries have made the Provisional Order set forth in the schedule hereto under the provisions of the Sea Fisheries Act 1868 :

31 & 32 Vict.
c. 45.

And whereas it is requisite that the said Order should be confirmed by Parliament :

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Order in
schedule
confirmed.

2. This Act may be cited as the Sea Fisheries Provisional Order Confirmation Act 1906.

Short title.

A.D. 1906.

SCHEDULE.SEA FISHERIES ACTS 1843 TO 1893.

KING'S LYNN FISHERY ORDER 1906.

Order for the Establishment and Maintenance by the Corporation of King's Lynn of a Several Mussel Fishery on the East side of the Estuary of the Wash in the County of Norfolk.

1. The Mayor Aldermen and Burgesses of the Borough of King's Lynn acting by their Council (in this Order called "the Corporation") the undertakers of the Lynn Deeps Oyster and Mussel Fishery and the grantees of the Lynn Deeps Fishery Order 1872 shall be the grantees of this Order.

2. The limits of the area within which the rights and powers conferred by this Order may be exercised (herein-after referred to as "the limits of this Order") are shown on a plan sealed by the Board of Agriculture and Fisheries and marked "Corporation of King's Lynn Several Mussel Fishery in the Estuary of the Wash in the County of Norfolk."

3. The Corporation may from time to time and as occasion may require—

(a) With the written consent of the Board of Agriculture and Fisheries set and mark out as reserves such portions of the area within the limits of this Order as they may think necessary for experimental or scientific purposes in connexion with the propagation cultivation breeding fattening or gathering of mussels and may use such reserves for the purposes aforesaid ; and

(b) Set and mark out such portions of the area within the limits of this Order (in this Order referred to as "layings") as they may think fit for the purpose of being leased as lays or layings or breeding or fattening grounds for the cultivation of mussels :

Provided that no such reserve or laying shall extend below low-water mark at ordinary spring tides :

Provided also that no such laying shall be set or marked out so as to include any portion of an existing mussel scalp or oyster or cockle bed and if any question shall arise as to the existence or boundaries of a mussel scalp or oyster or cockle bed such question may be determined for the purposes of this Order by the Board of Agriculture and Fisheries.

4. This Order confers on the Corporation a right of several mussel fishery within such reserves and layings as may for the time being be set or marked out in accordance with the provisions of this Order and for the purposes of the Sea Fisheries Acts 1843 to 1893 the limits of such reserves and layings shall be the limits of the several fishery hereby conferred :

Provided that the right of several fishery shall not be exercised by the Corporation themselves within any laying.

5.--(1) The Corporation may by public auction to be held at King's Lynn or by public tender open to all persons offer leases of layings upon such terms for such period and subject to such conditions as may be determined by the Corporation and the Corporation may also with the sanction of the Board of Agriculture and Fisheries carry out leases of layings by private treaty :

Provided that there shall not be leased to any one person or group of persons whether by means of one or more leases and whether in single layings or otherwise an area larger than one acre in extent without the approval of the Board of Agriculture and Fisheries.

(2) Upon the execution of a lease or agreement for a lease of a laying there shall by virtue thereof be transferred to and vested in the tenant as respects the laying the right of several fishery therein as if he were the grantee of an order under the Sea Fisheries Acts 1843 to 1893 conferring on him a right of several mussel fishery within the laying and as if any regulations restrictions terms and conditions comprised in the lease or agreement were restrictions and exceptions contained in that order.

(3) The execution of any such lease or agreement shall except as may otherwise be provided thereby be taken to be a consent on behalf of the tenant to all byelaws under the Sea Fisheries Regulation Acts 1888 to 1894 or under the Lynn Deep's Fishery Order 1872 for the time being in force within the limits.

(4) The conditions of sale or tender under this article shall be approved by the Board of Agriculture and Fisheries.

6.--(1) The limits of this Order and the limits of every reserve and laying in respect of which there is for the time being a right of several fishery under this Order shall be marked out in such manner as the Board of Agriculture and Fisheries may from time to time require whether by notice boards or otherwise and any notice board marking out the limits of this Order shall if the Board of Agriculture and Fisheries so require contain a notice setting forth that the Corporation have power to let layings under this Order and specifying the effect of a lease under this Order and the name and address of the person to whom persons desiring leases are to apply.

(2) Any notice and notice board or other marks required by the Board of Agriculture and Fisheries shall be placed and maintained by the Corporation and in the event of any such notice or notice board or mark being removed obliterated or damaged it shall forthwith be replaced by the Corporation.

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7. The Corporation or their lessees may construct and maintain such works as may be necessary for marking the boundaries of or between any reserves and layings under this Order.

8. No buildings erections embankments or other works shall at any time be commenced or executed by the Corporation or their lessees within the limits of this Order without the previous consent in writing of the Board of Trade.

9.—(1) The sanction of the Board of Agriculture and Fisheries shall not be given to setting or marking out any reserve under Article 3 of this Order except on the written application of the Corporation.

(2) The application shall be made and advertised in accordance with such regulations as may be made in that behalf by the Board of Agriculture and Fisheries and the Board before giving their sanction may cause such local inquiry as they think fit to be held with respect thereto.

(3) The sanction of the Board of Agriculture and Fisheries if given shall have effect as if it were contained in this Order.

10. This Order shall not affect the powers of the Corporation under the Lynn Deep's Fishery Order 1872 or the operation of any byelaws made thereunder except (as respects any layings) to the extent specified in the lease or agreement under which the laying is held:

Provided that Article 12 of that Order shall be and hereby is varied by the addition of the following words:—

“ Any person authorised by the Corporation or acting in
“ pursuance of any regulation made by them under the preceding
“ section may remove any brood of mussels from a portion of the
“ fishery to any reserve laying or other several fishery within the
“ district of the Eastern Sea Fisheries Joint Committee but for no
“ other purpose:

“ Provided that no removal of brood of mussels shall be
“ authorised under section 12 of this Order except during the
“ months of April and May or from any reserve laying or other
“ several fishery or otherwise than in a duly licensed vessel ”:

Provided also that any person removing broods under an authority granted under this section shall on demand by a bailiff appointed under this Order or a fishery officer appointed under the Sea Fisheries Regulation Acts 1888 to 1894 produce the authority for the inspection of such bailiff or officer.

11. The Corporation shall apply the rents and revenues received under this Order to all or any of the following purposes:—

(1) Payment of the costs and expenses incidental to obtaining this Order or to the management and improvement of the fishery or to any other purpose of this Order:

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- (2) Placing and maintaining the notices notice boards and other marks above-mentioned and in setting and marking out constructing and maintaining the divisions or boundaries of or between reserves and layings :
- (3) Making and maintaining mussel beds and in propagating cultivating breeding fattening and gathering mussels for that purpose.

12. In the event of any question arising as to the obligations of the Corporation under the foregoing articles or the due observance or performance of any of the restrictions provisions or conditions contained in this Order the question shall be referred to the Board of Agriculture and Fisheries whose decision shall be accepted by all parties as final and conclusive without prejudice however to the powers of the Board of Agriculture and Fisheries under the provisions of section 45 of the Sea Fisheries Act 1868 and of the Lynn Deeps Fishery Order 1872.

13. The Corporation shall if required by the Board of Agriculture and Fisheries render to the Board of Agriculture and Fisheries such accounts of their expenditure and income and of all mussels sold by them or their lessees in such form and at such times as the Board of Agriculture and Fisheries may require and shall allow the Board of Agriculture and Fisheries or any person appointed by them to inspect the fishery and all books and documents in their possession relating thereto and shall give the Board of Agriculture and Fisheries or such person all such information relating thereto as he or they may require.

14. Subject to the provisions of section 45 of the Sea Fisheries Act 1868 this Order shall continue in operation until the twenty-third day of April nineteen hundred and thirty-two.

15. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866.

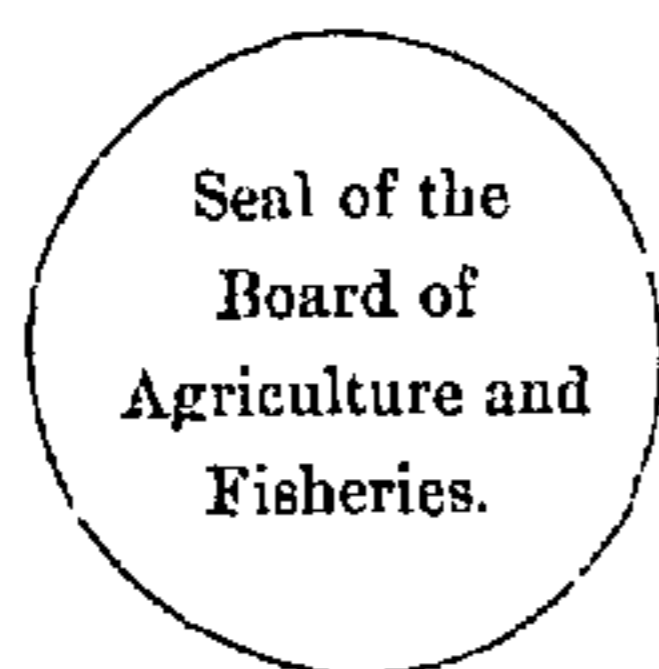
16. Nothing in this Order contained shall take away lessen prejudice or interfere with any of the rights powers authorities liberties and privileges (if any) of the King's Lynn Conservancy Board.

Nothing contained in this Order shall in any manner lessen or take away any of the rights powers or privileges now exercised or which may be exercised by the Norfolk Estuary Company under any Act of Parliament now in existence or under any Act continuing or relating to such powers and no reserve or laying shall be set or marked out under this Order on any portion of the tracts of land vested in the said Norfolk Estuary Company under their Acts of Parliament or otherwise except under and in accordance with the terms of a lease or licence in writing granted by that Company or until such portion of the said tracts of land shall have been purchased by the Corporation and for the purposes of any such purchase the Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845)

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17. This Order shall not affect the charge created in favour of or the compensation payable to His Majesty under the provisions of the Norfolk Estuary Act 1899 and shall not extend to take away prejudice diminish or alter any right of reverter of lands to His Majesty His heirs and successors under the same Act or any other estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors.

18. This Order may be cited as the Lynn Fishery Order 1906.



WALTER E. ARCHER
An Assistant Secretary to the Board of
Agriculture and Fisheries.

7th May 1906.

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