



CHAPTER clxvi.

An Act to confirm an Order made by the Secretary for Scotland under the Sea Fisheries Act, 1868, relating to the West Loch Tarbert Oyster and Mussel Fisheries. A.D. 1888.
[7th August 1888.]

WHEREAS an Order made by the Secretary for Scotland under the Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 31 & 32 Vict. c. 45.

And whereas it is expedient that the Order made by the Secretary for Scotland under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen'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 to this Act shall be and the same is hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Order in schedule.

2. This Act may be cited as the Oyster and Mussel Fisheries (West Loch Tarbert) Order Confirmation Act, 1888. Short title.

A.D. 1888.

SCHEDULE.

WEST LOCH TARBERT.

ORDER for the ESTABLISHMENT and MAINTENANCE by MESSRS.
WILLIAM HAY and COMPANY, TARBERT, of a several OYSTER
and MUSSEL FISHERY in WEST LOCH TARBERT, in the county
of ARGYLL.

Undertakers.

1. Messrs. William Hay and Company, of Tarbert, in the county of Argyll, carrying on business there as oyster merchants, conform to contract of co-partnery entered into between William Hay, fish merchant, Tarbert, aforesaid, of the first part; Robert Hay, fish buyer there, of the second part; and John Black, fish buyer there, of the third part, dated the twenty-first day of March eighteen hundred and eighty-seven, and the assignees of the said William Hay and Company, shall be the Undertakers of the fishery mentioned in this Order.

Limits of
fishery and
plans.

2. The following are the description and limits of the fishery comprised in this Order (as shown on plans deposited at the office of the Fishery Board for Scotland), namely, all and whole that part or portion of the bed of the sea in West Loch Tarbert, situate within the united parishes of Kilcalmonell and Kilberry and parish of South Knapdale, in the county of Argyll, coloured pink on the said plans, and containing an area of four hundred and ninety-eight imperial acres or thereabouts, and extending on the east south-east from Gobnacarraigh to Rhu Point, ten thousand six hundred and seventy-five feet or thereby following low-water mark; on the north-east from Gobnacarraigh to the opposite shore of the Loch, a distance of one thousand one hundred and forty-five feet or thereby; on the west north-west from a point opposite Gobnacarraigh to Eilean a' Mhadaidh, a distance of eleven thousand eight hundred and fifty feet or thereby; and on the south-west from Eilean a' Mhadaidh to Rhu Point, a distance of two thousand five hundred and forty-five feet or thereby; all lying below low-water mark.

Right to
fishery.

3. This Order confers on the said William Hay and Company a several right of oyster and mussel fishery within the limits above mentioned, with the exclusive right of depositing, propagating, dredging, and fishing for and taking oysters and mussels, and in the exercise of that right to make and maintain

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(West Loch Tarbert) Order Confirmation Act, 1888.

oyster and mussel beds or either of them, and at any season to collect oysters and mussels, and remove the same from place to place and deposit the same as and where they think fit, and do all other things which they think proper for obtaining, storing, and disposing of the produce of their fishery, provided always that the Undertakers shall not sell, expose for sale, or buy for sale any oysters during the close time appointed by the Fisheries (Oysters, Crabs, and Lobsters) Act, 1877 [40 & 41 Vict. c. 42], or any Act or Acts amending or altering the same. This Order is made without prejudice to the rights, if any, belonging to the fishermen or any members of the public to the mussels in West Loch Tarbert, lying between high and low water mark. A.D. 1888.

4. The limits of the said fishery shall be marked out as follows, that is to say, by booms or poles painted white placed immediately below low-water mark at the following points, namely:—Rhu Point, Gobnacarraigh, a point on the north side of West Loch Tarbert opposite Gobnacarraigh at the north-east limit of the fishery as marked on the plans, and at Eilean a' Mhadaidh; or in such other way as the Fishery Board may from time to time approve. Marking of limits.

5. In the event of the marks by the last foregoing article prescribed being obliterated or destroyed by storm or otherwise they shall be replaced by the Undertakers, and notice of the said limits shall be given to fishermen, dredgermen, and other persons, by advertising the same at least twice in a newspaper published in the county and circulated in the district, and by notices posted up in six or more conspicuous places in Tarbert and in the vicinity of the fishery. Notice to be given.

6. No buildings, erections, embankments, or other works, other than the marks mentioned in Article 4 of this Order, shall at any time be commenced or executed within the limits above described without the previous sanction and approval, in writing, of the Fishery Board for Scotland. Works not to be commenced without assent of Fishery Board.

7. The Undertakers shall render to the Fishery Board for Scotland such accounts of their capital, expenditure, and income, and of all oysters and mussels sold by them, in such form and at such times as the Board may require, and shall allow the Board, or any person appointed by the Board, to inspect the fishery and all books and documents in the possession of the Undertakers relating thereto, and shall give to such Board or person all such information relating thereto as they or he may require. Undertakers to give accounts of capital, receipts, and expenditure, and of oysters and mussels sold.

8. The Undertakers shall make compensation for the damage or injury which may be occasioned to any right of salmon fishing belonging to Her Majesty through the exercise of the powers of this Act; and in case the amount of such compensation shall not be agreed upon the same shall be settled by two referees, one being appointed by the Commissioners of Woods and one being appointed by the Undertakers, or by an umpire to be appointed by the said referees, the said compensation and the charges and expenses of such referees or their umpire being paid by the Undertakers.

9. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament. Time of operation.

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A.D. 1888.

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Saving of
rights under
Crown Lands
Act, 1866.

Short title.

10. 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.

11. This Order may be cited as the Oyster and Mussel Fishery (West Loch Tarbert) Order, 1887.

London : Printed for HER MAJESTY'S STATIONERY OFFICE,
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

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