
STATUTORY INSTRUMENTS

1972 No. 756

SEA FISHERIES

SHELLFISH

The Old Hall Farm Creek Oyster Fishery Order 1972

<i>Made</i>	- - -	15th May 1972
<i>Laid before Parliament</i>		23rd May 1972
<i>Coming into Operation</i>		13th June 1972

The Minister of Agriculture, Fisheries and Food, no objections having been received to a draft order published in accordance with Schedule 1 to the Sea Fisheries (Shellfish) Act 1967(a), in exercise of the powers conferred on him by section 1 of the said Act and of all other powers enabling him in that behalf, with the consent of the Crown Estate Commissioners, hereby makes the following order:—

1. This Order may be cited as the Old Hall Farm Creek Oyster Fishery Order 1972 and shall come into operation on 13th June 1972.

2.—(1) In this Order “the Minister” means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. There is hereby conferred upon Michael Vincent Frost of 83, East Street, Tollesbury near Maldon in the County of Essex (hereinafter referred to as “the Grantee” which expression shall include the persons for the time being entitled to the rights conferred by the Order) a right of several fishery for oysters over all that part of Old Hall Farm Creek near Tollesbury in the County of Essex being the ground below low water mark of ordinary neap tides stretching from the Meets for a distance of three-quarters of a mile or thereabouts inland to where the said Creek dries out at low water mark of ordinary neap tides and containing an area of 12 acres or thereabouts shown coloured pink on the definitive map sealed by the Minister for the purposes of this Order.

4. Subject to the provisions of Article 5 the limits of the area to which this Order applies shall be marked out and kept marked out by the Grantee in such manner as the Minister may from time to time direct.

5. Nothing in this Order shall authorise the execution of any works on over or under tidal lands below the level of mean high water spring tides except in accordance with plans and sections approved by the Secretary of State and subject to such conditions and restrictions as the Secretary of State may prescribe before such works are begun.

6. Subject to the provisions of section 5 of the Sea Fisheries (Shellfish) Act 1967 this Order shall continue in operation for thirty years from the date of its coming into operation and no longer.

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 management of the Crown Estate Commissioners.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th May 1972.

(L.S.)

J. M. L. Prior,
Minister of Agriculture,
Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Order.)

This order confers upon Michael Vincent Frost a right of several or exclusive oyster fishery in part of Old Hall Farm Creek, Tollesbury, Essex.

The situation and extent of the fishery are defined in the Order and are shown on the definitive map sealed by the Minister of Agriculture, Fisheries and Food which may be inspected during office hours at the Fisheries Department, Ministry of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1.

The Secretary of State whose prior approval is required for works on over or under tidal lands by virtue of Article 5 is the Secretary of State for Trade and Industry.