

STATUTORY INSTRUMENTS

1962 No. 705

SEA FISHERIES

THE MENAI STRAIT OYSTER AND MUSSEL FISHERY ORDER, 1962

Made 16th February, 1962

Coming into operation 2nd April, 1962

The Minister of Agriculture, Fisheries and Food (hereinafter referred to as "the Minister") in exercise of his powers under Sections 29 and 34 of the Sea Fisheries Act, 1868 (a), the Board of Agriculture and Fisheries Act, 1903 (b), the Ministry of Agriculture and Fisheries Act, 1919 (c) and of all other powers enabling him in that behalf hereby makes the following Order.

1. (1) This Order may be cited as the Menai Strait Oyster and Mussel Fishery Order, 1962 and shall, unless subject to special Parliamentary procedure, come ^{second} into operation on day of ^{April} 1962.

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

2. The Local Sea Fisheries Joint Committee for the Lancashire and Western Sea Fisheries District (in this Order called "the Grantees") shall be the grantees of this Order and shall for the purposes thereof be a body corporate.

3. The right of fishery hereby conferred shall subsist over all those parts of the foreshore and bed of the Menai Strait between the counties of Caernarvon and Anglesey and containing an area of about ¹⁹²⁸ ~~1919~~ acres bounded by a line from a point at low water mark of ordinary tides due East of the Shelter on the Green at Beaumaris running in a southerly direction across the Menai Strait to a point on the Lavan Sands approximately 500 yards due North of high water mark of ordinary tides on the Caernarvon shore and 930 yards eastwards of Beth Point, thence in a westerly direction to join the shore at high water mark of ordinary tides at a point about 170 yards West of the jetty at Beth Point, thence along high water mark to Cegin Weir, thence direct across the sands to the break-water on the easterly side of the harbour works, thence following the high water mark to the Beacon on the East Pier at Penrhyn Harbour, thence in a westerly direction straight across the sands to high water mark of ordinary tides at a point about 150 yards south of Gerth Point, thence along high water mark to the loading stage

(a) 31 & 32 Vict. c. 45(b) 3 Edw. 7 c. 31 (c) 9 & 10 Geo. 5. c. 91
(d) 52 & 53 Vict. c. 63.

about $\frac{3}{4}$ mile westwards of the Cathedral, thence along a line North across the Menai Strait to join the Anglesey shore at low water mark of ordinary tides at the outer end of the landing stage near Craig-y-don, thence following low water mark along the Anglesey shore in a north easterly direction to a point about ^{THE} WHERE THE WESTERN BOUNDARY OF THE PARISH OF BEAUMARIS JOINS THE L.W. MARK 620 yards west of Gallows Point, thence in a north westerly direction to the OF ORDINARY TIDES, THENCE ALONG THE SAID ~~BOUNDARY~~ BOUNDARY TO high water mark of ordinary tides, thence along high water mark of ordinary tides to Gallows Point, thence in an easterly direction to the low water mark of ordinary tides, thence along low water mark of ordinary tides to Beaumaris Pier, thence in a straight line to the first mentioned point, as the same are more particularly shown in pink colour edged red on the definitive map sealed by the Minister; and in the event of any inconsistency between the foregoing written description and the said map then the latter shall prevail.

4. The Lands Clauses Consolidation Act, 1845 (a) and the Lands Clauses Consolidation Acts Amendment Act, 1860 (b) are hereby incorporated in this Order.

5. This Order confers on the Grantees a right of several oyster and mussel fishery within the limits hereinbefore mentioned Provided that subject to the provisions of this Order the right of fishing for or taking oysters and mussels (other than for purposes connected with the stocking of layings or cultivation) shall not be exercised by the Grantees themselves.

6. The Grantees may grant permits or licences to fish for oysters and mussels or either of them within the whole or any specified part or parts of the fishery to any persons or associations of persons applying for the same upon such terms for such periods and subject to such conditions as may be determined by the Grantees Provided that no such permit or licence shall be granted for any period terminating after the date on which this Order ceases to operate as provided in Article 19 hereof.

7. The Grantees may from time to time and as occasion may require (a) with the consent in writing of the Minister designate as reserves such portions of the area within the limits of this Order as they may think necessary for experimental or scientific purposes or for the purpose of the collection of spat, that is to say, the young of oysters or mussels in connection with the propagation cultivation breeding

fattening or gathering of oysters or mussels and may use or authorise the use of such reserves for the purposes aforesaid;

(b) with like consent designate such portions (in this Order referred to as "layings") of the area within the limits defined in this Order as they may think fit so that the same may be leased as lays or layings or breeding or fattening grounds for the cultivation of oysters or mussels.

8. (1) The Grantees may with the consent in writing of the Minister lease reserves or layings or offer leases of reserves or layings to or enter into Tenancy Agreements relating to the reserves or layings with any person or associations of persons upon such terms and for such periods and subject to such conditions as may be determined by the Grantees provided that no such lease shall be granted for any period terminating after the date on which this Order ceases to operate as provided in Article 19 hereof.

(2) Upon the execution of a lease or agreement for a lease of a reserve or laying the person to whom such lease is granted or with whom such agreement is made (hereinafter called "the Tenant") shall have as respects the reserve or laying the right of several fishery therein as if he were the grantee of an Order under the Sea Fisheries Act, 1868, or any statutory re-enactment modification or amendment thereof conferring on him a right of several oyster or mussel fishery within the reserve or 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 as a consent on behalf of the Tenant to all byelaws under the Sea Fisheries Regulation Acts, 1888 (a) to 1930 (b) and the Sea Fish Industry Act, 1938 (c).

9. The Grantees may with the consent of the Minister construct provide acquire or take on lease within or near the limits defined by this Order tanks or other apparatus for the cleansing sterilisation or germicidal treatment of oysters or mussels and may lease out or make charges for the use of such tanks or apparatus.

10. The limits of the fishery defined by this Order and the limits or boundaries of every reserve and laying in respect of which a lease has been

(a) 51 & 52 Vict. c. 54 (b) 20 & 21 Geo. 5. c. 41 (c) 1 & 2 Geo. 6. c. 30

granted and is in force or an agreement for a lease made under this Order shall be marked out and kept marked out by the Grantees (or if they so arrange in the case of a reserve or laying by the Tenant) in such manner as the Minister may from time to time direct.

11. Before marking out below high water mark under Article 10 hereof is undertaken the written consent of the Harbour Authority concerned and where necessary of the Corporation of Trinity House shall first be obtained.

12. Nothing in this Order shall authorise the execution of any works on over or under tidal lands below high water mark of ordinary spring tides except in accordance with plans and sections approved by the Minister of Transport and subject to such conditions and restrictions as the Minister of Transport may prescribe before such work is begun.

13. The powers of the Grantees and their tenants to carry out works as provided in Articles 9, 10 and 12 hereof shall be exercisable subject to the provisions of Article 16 of this Order and in particular and without prejudice to that general limitation any consent to the exercise of such powers given by the Crown Estate Commissioners on behalf of Her Majesty may be given subject to such restrictions and conditions as the Crown Estate Commissioners may think proper including the payment by the Grantees and their tenants to the Crown Estate Commissioners of an annual rent or sum of money in respect of such works.

14. The Grantees shall apply the rents and revenues under this Order to all or any of the following purposes:-

- (1) Placing and maintaining the marks required by Article 10 hereof.
- (2) Marking and maintaining oyster or mussel beds and areas for propagating cultivating breeding fattening and gathering oysters or mussels and collecting the spat or young of oysters or mussels.
- (3) Provision of arrangements for collecting spat.
- (4) Destroying pests harmful to oysters or mussels.
- (5) Provision of tanks or apparatus for cleansing, sterilising or germicidal treatment of oysters or mussels in accordance with Article 9 hereof.
- (6) Payment of their costs and expenses incidental to obtaining this Order.
- (7) The management supervision and improvement of the several fishery and to any other purposes of this Order.

15. The Grantees shall render to the Minister accounts of their income

and expenditure under this Order and shall furnish to the Minister all other information required by him with reference to the fishery in such form and at such times as the Minister may require and shall allow the Minister or any person appointed by him to inspect the fishery and all books and documents in their possession relating thereto and shall give to the Minister or to such person all such information relating thereto as he may require.

16. Nothing in this Order contained shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Grantees 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 whatsoever description belonging to Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners without the consent in writing of the Crown Estate Commissioners on behalf of Her Majesty first had and obtained for that purpose.

17. Nothing in this Order shall affect prejudicially any of the rights powers and authorities of the Penrhyn Estate of Bangor in the County of Caernarvon with regard to the foreshore and bed of the rivers Ogwen and Cegin owned by the said Estate or with regard to any right of fishery vested in the said Estate in respect of the Ogwen and Cegin fishing weirs within the limits defined by this Order.

18. Nothing in this Order contained shall affect prejudicially any rights powers and authorities of the Corporations of Bangor and Beaumaris with regard to the parts of the foreshore owned by the said Corporations within the limits defined by this Order.

19. Subject to the provisions of Section 45 of the Sea Fisheries Act, 1868 and of Section 2 of the Oyster and Mussel Fisheries Orders Confirmation Act, 1869(No. 2) (a), this Order shall continue in operation for 60 years from the date of its coming into operation and no longer.

IN WITNESS WHEREOF the Official Seal
of the Minister of Agriculture, Fisheries
and Food is hereunto affixed this sixteenth
day of February one thousand nine hundred
and sixty two

(Signed) A.C.J. SOAMES

MINISTER OF AGRICULTURE, FISHERIES AND FOOD