



CHAPTER lxxvii.

An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1923 relating to the Rivers Witham Welland Trent and other waters. [3rd August 1928.]

A.D. 1928.

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WHEREAS the Minister of Agriculture and Fisheries has made the Provisional Order set forth in the schedule hereto under the provisions of the Salmon and Freshwater Fisheries Act 1923 :

13 & 14
Geo. 5.
c. 16.

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 as amended and 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 Lincolnshire Rivers Fisheries Provisional Order Confirmation Act 1928.

Short title.

A.D. 1928.

SCHEDULE.

SALMON AND FRESHWATER FISHERIES
ACT 1923.

*Order constituting the Lincolnshire Rivers Fishery District
and altering the areas of the Trent and Welland
Fishery Districts.*

The Minister of Agriculture and Fisheries (in this Order referred to as "the Minister") by virtue and in exercise of the powers vested in him by the Salmon and Freshwater Fisheries Act 1923 with a view to the maintenance improvement and development of the trout and freshwater fisheries in the area defined by this Order hereby makes the following Order for the regulation of such fisheries in that area :—

DEFINITION OF FISHERY DISTRICT.

Definition
of area
affected by
Order.

1.—(1) This Order applies to the area described in Schedule I. hereto and more particularly delineated on a map sealed by the Minister in relation to this Order and to all trout and freshwater fisheries therein and such area is hereinafter referred to as "the Fishery District."

(2) A copy of the said map certified under the Documentary Evidence Acts 1868 to 1895 shall be kept by the Fishery Board for the Fishery District at the office of the clerk of that Board and be open at all reasonable times to inspection free of charge by any person desiring inspection for any bonâ fide purpose.

ALTERATIONS OF AREAS OF THE TRENT AND THE WELLAND
FISHERY DISTRICTS.

Alterations of
areas of Trent
and Welland
Fishery Districts.

2. The areas of the Trent and the Welland Fishery Districts are hereby altered in accordance with the modifications set out in Schedule II. hereto.

CONSTITUTION OF FISHERY BOARD.

Constitution
of Fishery
Board.

3.—(1) The Fishery Board for the Fishery District (hereinafter referred to as "the Fishery Board") shall consist of the following members :—

(a) Two members appointed by the county councils of each of the counties of the Parts of Lindsey the Parts of

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Kesteven and the Parts of Holland and one member appointed by the county council of each other county and county borough in the Fishery District under and in accordance with the provisions of sections forty-six and eighty-eight of the Salmon and Freshwater Fisheries Act 1923; A.D. 1928.

- (b) One member appointed by the Black Sluice Commissioners one member appointed by the Witham Drainage Commissioners two members appointed by the London and North Eastern Railway Company and one member appointed by the Witham Outfall Board Such members shall remain in office until resignation death or determination of their appointment by the authority appointing them;
- (c) Subject as hereinafter provided twelve members representative of the interests of persons fishing with rod and line for freshwater fish Such members of whom not less than six shall be ordinarily resident in the county of Lincoln shall be appointed annually by the Minister;
- (d) Members representative of the interests of the holders of licences for fishing with rod and line for fish other than salmon Such members shall be appointed or elected under and in accordance with the provisions of section forty-eight of the Salmon and Freshwater Fisheries Act 1923 :

Provided that in the event of an order being made by the Minister under section sixty-five of the Salmon and Freshwater Fisheries Act 1923 in relation to the Fishery District the number of such members to be appointed or elected in any year shall not be less than twelve nor more than thirty and that half at least in number of such members shall be ordinarily resident in the county of Lincoln;

- (e) Ex-officio members who shall be persons qualified to act as such under either of the qualifications specified in section fifty of the Salmon and Freshwater Fisheries Act 1923.

(2) In the event of an order being made by the Minister under section sixty-five of the Salmon and Freshwater Fisheries Act 1923 in relation to the Fishery District paragraph (c) of the foregoing subsection shall cease to have effect from the date of such order Provided that the members who at the date of such order shall hold office under the said paragraph (c) shall continue to hold office until the date of appointment or election of members under paragraph (d) of the foregoing subsection and no longer notwithstanding anything in their appointments to the contrary

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LICENCES.

Licences.

4. In the event of an order being made by the Minister under section sixty-five of the Salmon and Freshwater Fisheries Act 1923 in relation to the Fishery District the Fishery Board shall have power with the consent of the Minister to issue to any association or body of persons comprising not less than five hundred members a comprehensive licence subject to such conditions and upon payment of such sum as may be agreed between the Fishery Board and such association or body of persons and as the Minister may approve enabling any member of such association or body of persons if authorised in writing by the secretary thereof without any other licence to fish in all or any of the waters in the district in which he is otherwise entitled to fish.

POWERS OF FISHERY BOARD.

Application of provisions of Salmon and Freshwater Fisheries Act 1923.

5. The provisions of the Salmon and Freshwater Fisheries Act 1923 with respect to fishery boards and fishery districts except as herein otherwise expressly provided and so far as they are consistent with the provisions of this Order shall apply to the Fishery Board and the Fishery District and the Fishery Board shall as regards the Fishery District have all such powers and duties as may be exercised or discharged by a fishery board under that Act.

TRANSITORY AND OTHER PROVISIONS.

Abolition of existing board of conservators and other provisions.

6.—(1) The Minister shall appoint a day on which the Fishery Board shall come into office and such day is hereinafter referred to as "the appointed day."

(2) The existing board of conservators of the Witham Fishery District shall be abolished on the appointed day and all property acquired and all liabilities incurred by that board shall as from that day by virtue of this Order be transferred to and vested in the Fishery Board and the Fishery Board shall to all intents and purposes represent and be deemed a continuation of the said board of conservators and the clerk and all other officers of that board shall become the officers of the Fishery Board and upon the same terms and conditions as heretofore.

(3) Any byelaw scale of licence duties notice or instrument made fixed given or executed by the existing board of conservators of the Witham Fishery District shall upon such abolition take effect as if it had been made fixed given or executed by the Fishery Board but shall not in any other respect be altered or affected by this Order.

(4) The first meeting of the board shall be held upon such day (subsequent to the appointed day) and at such time and place as may be determined before the appointed day by the existing

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board of conservators of the Witham Fishery District or in default of such determination by the Minister and the members of the existing board of conservators of the Witham Fishery District shall remain in office until the appointed day. A.D. 1928.
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7.—(1) Nothing contained in this Order or in the Salmon and Freshwater Fisheries Act 1923 shall operate to enable the Fishery Board to interfere with alter or obstruct any property or works owned by or leased to the London and North Eastern Railway Company without first obtaining the consent in writing of that company or to execute any works or do anything which shall have the effect of injuring the supply of water to or interfering with or prejudicing navigation in any navigable river canal or other inland navigation owned by or leased to that company. For protec-
tion of Lon-
don and
North
Eastern
Railway
Company.

(2) Nothing contained in this Order or in the Salmon and Freshwater Fisheries Act 1923 shall operate to authorise any inspector water bailiff or other person appointed by the Fishery Board to enter upon any running lines sidings stations or railway works of the London and North Eastern Railway Company without first obtaining the consent in writing of that company.

8. The costs incurred by the existing board of conservators in obtaining this Order shall be paid by the existing board or by the Fishery Board out of any funds in their hands. Costs of
Order.

9. This Order may be cited as the Lincolnshire Rivers Trent and Welland Fishery Districts Order 1927. Short title.

10. This Order shall come into force on the date of its confirmation. Commence-
ment of
Order.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this Twenty-third day of November one thousand nine hundred and twenty-seven.

(L.S.) (Signed) WYNN THOMAS
Authorised by the Minister.

SCHEDULE I.

AREA WITHIN WHICH THE ORDER APPLIES.

The area comprising so much of the rivers Witham Steeping and Glen and of all streams drains channels dykes cuts canals lakes watercourses and estuaries and of the sea and sea coast as lies within the counties of Nottingham Leicester Rutland and Lincoln and within the following boundary viz. a line drawn from the seaward extremity at high-water mark of Ingoldmells

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A.D. 1928. — Point in the said Parts of Lindsey in a north-westerly direction along the line of high-water mark until it reaches the pier at Cleethorpes in the said Parts of Lindsey thence in a south-westerly direction straight to a point about one and a half miles west of Thoresway thence along the road to Willingham Corner until it reaches the natural watershed of the River Witham at a point near the said Willingham Corner thence along such watershed westwards and southwards to a point about two hundred yards due west of Lea Station on the London and North Eastern Railway thence south-eastwards along the natural watershed of the River Till to the Railway Bridge over the Fosdyke Navigation at Saxilby thence straight to Eagle Church thence straight to a point on the natural watershed of the said River Witham about four furlongs south of Eagle thence along such watershed until it meets the boundary between the said counties of Rutland and the Parts of Kesteven at the southwest corner of Morkery Woods near South Witham thence along such boundary in an easterly and south-easterly direction until it reaches a point twenty yards south-west of the right bank of the River Glen and about one mile from and to the north-westward of Essendine Station thence parallel to and at a distance of twenty yards south from the right bank of the said River Glen and the south bank of the Counter Drain and Vernatts Drain successively to a point west of and twenty yards from the left bank of the River Welland near the junction of the said Vernatts Drain and the River Welland thence true north for a distance of half a mile thence straight to the seaward extremity at high-water mark of Gibraltar Point thence along the line of high water to Ingoldmells Point as aforesaid.

SCHEDULE II.

(A) ALTERATION OF THE AREA OF THE TRENT FISHERY DISTRICT.

The area of the Trent Fishery District as defined in the certificate of the Board of Trade dated twenty-first September one thousand eight hundred and ninety-two is altered as follows :—

- (1) So as to include all rivers streams drains channels dykes cuts canals lakes watercourses and waters lying between the boundary of the said Fishery District of the River Trent as so defined and a line drawn from a point about two hundred yards due west of Lea Station on the London and North Eastern Railway south-eastwards along the natural watershed of the River Till to the Railway Bridge over the Fosdyke Navigation at

Saxilby thence straight to Eagle Church thence straight to a point on the natural watershed of the River Witham about four furlongs south of Eagle such line being part of the boundary of the Lincolnshire Rivers District :

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- (2) So as to exclude the area within a line commencing on the sea coast at the seaward extremity of Ingoldmells Point in the Parts of Lindsey in the county of Lincoln and thence drawn straight to Ingoldmells Mill thence continued straight to Burgh Church thence to the nearest point of the natural watershed of the River Steeping thence along such watershed to Belchford Hill thence along the natural watershed of the River Witham to a point near Willingham Corner thence along the road to Caistor until it reaches a point about one and a half miles west of Thoresway thence in a north-easterly direction straight to the pier at Cleethorpes thence along the line of high-water mark to Ingoldmells Point.

(B) ALTERATION OF THE AREA OF THE WELLAND
FISHERY DISTRICT.

The area of the Welland Fishery District as defined in the certificate of the Home Office dated the twentieth May one thousand eight hundred and eighty-six is altered so as to exclude all rivers streams drains channels dykes cuts canals lakes water-courses and waters lying between the boundary of the said district as so defined and a line drawn from the south-western corner of Morkery Woods near South Witham along the boundary between the counties of Rutland and the Parts of Kesteven in the county of Lincoln in an easterly and south-easterly direction until it reaches a point twenty yards south-west of the right bank of the River Glen and about one mile from and to the north-westward of Essendine Station thence parallel to and at a distance of twenty yards south from the right bank of the said River Glen and the south bank of the Counter Drain and Vernatts Drain successively to a point west of and twenty yards from the left bank of the River Welland near the junction of the said Vernatts Drain and the River Welland thence true north for a distance of half a mile thence along a line drawn straight to Gibraltar Point until it rejoins the boundary of the Welland District between Wyberton Church and Western Point.

Printed by EYRE and SPOTTISWOODE, LTD.,

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