

**CHAPTER v.**

An Act to confirm a Provisional Order made by the Minister of Agriculture and Fisheries under the Sea Fisheries Act 1868 for the regulation of an Oyster and Mussel Fishery in certain parts of the sea adjoining the county of Glamorgan. A.D. 1932.
[17th March 1932.]

WHEREAS under the provisions of the Sea Fisheries Act 1868 the Minister of Agriculture and Fisheries has made an Order which needs confirmation by Parliament: 31 & 32 Vict.
c. 45.

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 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 (Swansea) Order Confirmation Act 1932. Short title.

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SCHEDULE.

SWANSEA FISHERY ORDER. 1931.

*Order for the Regulation of an Oyster and Mussel Fishery
in certain parts of the sea adjoining the county of
Glamorgan.*

The Minister of Agriculture and Fisheries in pursuance of the powers vested in him by the Sea Fisheries Act 1868 and the Board of Agriculture and Fisheries Act 1903 the Ministry of Agriculture and Fisheries Act 1919 and all other powers enabling him in this behalf hereby makes the following Order :—

1. The following are the limits of the fishery comprised in this Order (hereinafter called "the fishery") namely :—

All those parts of the bed of the sea lying below the lines of extreme low-water mark of spring tides for the time being and comprised within the following imaginary lines namely :—

(1) A straight line drawn true south from the east end of Worms Head Island to a point true east of Helwick light vessel;

(2) A line drawn straight from the last-mentioned point to a point three miles true south from Port Eynon Head thence continued straight to the navigation buoy south of White Oyster Ledge and thence straight to Sker Point.

2. The local fisheries committee for the South Wales Sea Fisheries District or for any sea fisheries district that may hereafter be created under the Sea Fisheries Regulation Act 1888 and any Act amending the same and including the whole or the greater part of the fishery (hereinafter called "the Grantees") shall be the Grantees of this Order and shall for the purposes thereof be a body corporate under the name of the Grantees of the Swansea Fishery Order 1931.

3. Save as hereinafter provided no person shall dredge or fish for or take oysters or mussels within the fishery during the months of May June July and August in any year nor within that portion of the fishery which lies east of a straight line drawn from the said navigation buoy to the lighthouse at Mumbles Head (hereinafter called "the Swansea Bay portion of the fishery") during the months of March April May June July August September October and November in any year.

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4. Save as hereinafter provided no person shall remove from the fishery or from one part of the fishery to another part thereof (a) any cultch or (b) any oyster which will pass through a circular ring of three inches in diameter measured on the inside thereof or (c) any mussel less than two inches in length.

5. Subject to such rules as shall be prescribed by the Minister of Agriculture and Fisheries (hereinafter called "the Minister") the Grantees may from time to time make byelaws for all or any of the following purposes :—

- (i) For closing for a period prescribed in the byelaw any portion or portions of the fishery so far as relates to the fishing for oysters or mussels Provided that—
 - (a) no portion shall be so closed for a longer continuous period than four years;
 - (b) no more than one-third of the whole area of the fishery shall be closed at any one and the same time :
- (ii) For varying the minimum size of oysters or mussels prescribed by Article 4 of this Order :
- (iii) For permitting persons holding licences under this Order to dredge fish for or take oysters or mussels in the Swansea Bay portion of the fishery or in any specified part thereof during the months of March April September October and November in any year or during such period within such months as may be prescribed in the byelaw :
- (iv) For determining what marks shall be attached or affixed to or painted on skiffs smacks or boats licensed to dredge in the fishery or the sails or gear thereof when the same are not registered under the Sea Fisheries Act 1868 or any regulation made thereunder :
- (v) For determining the description of dredges to be used in the fishery :
- (vi) For regulating the fishery generally.

Such byelaws shall not be of any effect until confirmed by the Minister but when so confirmed they shall be deemed to be and shall have the same effect as restrictions imposed or regulations made by this Order Provided that such byelaws shall be revised from time to time when and as required by the Minister and any byelaw may at any time be cancelled by the Minister and shall thereupon cease to have effect.

6. Save as hereinafter provided no person shall dredge or fish for or take oysters or mussels within the fishery without a licence Licences in that behalf shall be granted by the Grantees to any person applying for the same and paying the tolls hereinafter prescribed Such licences shall be available only within the fishery and between the dates and for the use of the vessel or boat

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specified therein and shall not authorise any person to dredge or fish for or take oysters or mussels with a greater number of dredges than therein specified or at any time or place at which it is otherwise prohibited to dredge or fish for or take oysters or mussels. Every such licence shall include the right to fish for both oysters and mussels and every licence to use a vessel other than a row boat shall include the right to use one row boat provided that such row boat when used in dredging or fishing for or taking oysters or mussels shall be used only by the regular crew of the vessel in respect of which the licence is granted and that no row boat shall unless separately licensed be employed in dredging or fishing for or taking oysters or mussels at the same time as such vessel.

Where a licence has been lost or accidentally destroyed a new licence in substitution therefor shall be issued on the payment to the Grantees of a fee of one shilling. Any person dredging or fishing for or taking oysters or mussels within the fishery shall when required by any water-bailiff appointed as hereinafter provided produce his licence and shall desist from fishing till the same is produced.

7. Save as hereinafter provided there shall be paid in respect of such licences and before they are granted the following tolls:—

For a licence for the whole season viz. during such period as may be open for dredging between the first of September and the thirtieth of April following both inclusive—for each and every vessel or boat ten shillings.

For a licence for a period of three months—for each and every vessel or boat seven shillings.

For each and every dredge exceeding two in number used by any vessel or boat ten shillings.

8. The Grantees may from time to time revise the tolls leviable under this Order either by increasing or diminishing the amount thereof or by varying the periods in respect of which the same are levied or otherwise. Provided that any such revision or variation shall be made in the same manner and subject to the same rules as if such revision or variation were a byelaw.

9. The foregoing provisions of this Order shall not apply to any person dredging or fishing for or taking or removing oysters or mussels or cultch at any time by the written authority of the Grantees under the hand of their clerk for the purpose of maintaining or improving the fishery.

10. The Grantees may from time to time appoint suspend or remove and again appoint a water-bailiff or bailiffs. Every such water-bailiff shall have the following powers (that is to say) he may within the fishery enter any vessel or boat used for fishing therein he may examine the catches nets and fishing implements and gear of any such vessel or boat he may seize oysters or mussels

illegally taken within the fishery and he may do all other lawful acts for giving effect to the provisions of this Order and of Part III of the Sea Fisheries Act 1868.

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For such purposes he shall be deemed to be a constable and shall have within the fishery the same powers and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to in his constablewick at common law or by statute.

Any person considered by a water-bailiff to have offended against any of the provisions of this Order or of any byelaws or regulations made thereunder shall when required by such water-bailiff state correctly his Christian name surname and place of abode.

Any person refusing or omitting when so required to state correctly his name and place of abode or wilfully continuing to offend after having been required by a water-bailiff to desist may be apprehended by any water-bailiff or by any person acting in the presence of and by order of a water-bailiff and conveyed before a justice of the peace to be dealt with according to law.

11. The limits of the fishery shall be marked out in such manner as the Minister may from time to time direct:

12. No buildings erections embankments or other works shall at any time be commenced or executed within the fishery without the previous sanction and approval in writing of the Minister and the Board of Trade.

13. The Grantees shall render annually to the Minister on the thirty-first day of August in every year accounts of their income and expenditure under this Order and all other information required by the Minister with reference to the fishery in such form as the Minister may from time to time require and shall allow the Minister or any person appointed by him in that behalf to inspect the fishery and all books accounts and other documents in the possession of the Grantees relative to the fishery and shall give to the Minister or such person all such information relating thereto as he may require.

14. The Minister may at any time make an order or orders conferring a right or rights of several oyster and mussel fishery within any portion of the fishery and all the powers and provisions contained in this Order shall be subject to the power of the Minister to make such order or orders and to any alteration which may be consequent thereon.

15. 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) this Order shall continue in operation for sixty years from the date of its confirmation by Act of Parliament and no longer.

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16. Nothing contained in this Order shall prevent any person from constructing putting up or erecting with the consent of the Board of Trade (without being liable unless so required by the terms of such consent to pay any compensation in respect thereof to the Grantees or lessees of a several fishery created under this Order) any works or erections for coast protection or of public or local utility within or partly within the limits of any reserve or laying Provided always that such works or erections are constructed put up or erected in accordance with such plans and sections and subject to such restrictions and regulations as previously to such works being commenced have been approved by the Board of Trade in writing under the hand of one of their secretaries or assistant secretaries.

17. Nothing in this Order affects 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 His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

18. This Order may be cited as the Swansea Fishery Order 1931.

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