



CHAPTER lxxxvi.

An Act to confirm a Provisional Order made by the Minister of Agriculture and Fisheries under the Sea Fisheries Act 1868 for the establishment and maintenance of a several mussel fishery in the estuary of the river Ribble in the county of Lancaster. A.D. 1936.
[31st July 1936.]

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 (Ribble) Order Confirmation Act 1936. Short title.

A.D. 1936.

SCHEDULE.

RIBBLE MUSSEL FISHERY ORDER 1936.

Order for the establishment and maintenance of a several mussel fishery in the estuary of the river Ribble in the county of Lancaster.

Grantees of Order.

1. The county council for the administrative county of the county palatine of Lancaster (in this Order called "the Grantees") shall be the Grantees under this Order.

Limits of fishery.

2. The following are the description and limits of the fishery (as shown on the plan sealed by the Minister of Agriculture and Fisheries and marked "Ribble Mussel Fishery Order 1936") namely all those parts of the foreshore and bed of the estuary of the river Ribble adjacent to the boroughs of Lytham St. Anne's and Southport and the parish of North Meols all in the county of Lancaster and containing an area of about 13,540 acres enclosed within a line drawn along the line of high-water mark of medium or ordinary tides from the pier at Lytham to the pier at St. Anne's and thence straight to a point situated in latitude $53^{\circ} 42' 12''$ north longitude $3^{\circ} 7' 30''$ west at present marked by the Bar Buoy in the Ribble Estuary thence straight to a point situated in latitude $53^{\circ} 40' 26''$ north longitude $3^{\circ} 3' 57''$ west at present marked by the Penfold No. 2 Buoy thence straight to the 7 mile lamp on the south training wall of the river Ribble and thence straight to the pier at Lytham.

Lands Clauses Acts incorporated.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.

3. The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 are hereby incorporated with this Order.

Several fishery.

4. This Order confers on the Grantees a right of several mussel fishery within the limits hereinbefore mentioned Provided that subject to the provisions of this Order the right of fishing for or taking mussels shall not be exercised by the Grantees themselves.

Power to grant permits or licences.

5. The Grantees may grant permits or licences to fish for mussels 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 13 hereof.

[26 GEO. 5. & *Sea Fisheries (Ribble)* [Ch. lxxxvi.]
1 EDW. 8.] *Order Confirmation Act, 1936.*

6. The Grantees may from time to time and as occasion may require— A.D. 1936.

- (a) with the written consent of the Minister and the Preston Corporation acting as the harbour authority for the port of Preston (hereinafter referred to as "the harbour authority") set and mark out as reserves such portions of the area within the limits of this Order as they may think necessary for experimental or scientific purposes in connection with the propagation cultivation breeding fattening or gathering of mussels and may use such reserves for the purposes aforesaid; and Reserves or layings.
- (b) with the like consent set and mark out such portions (in this Order referred to as "layings") of the area within the limits defined by 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 mussels.

7.—(1) The Grantees may lease layings or offer leases of layings to any persons or associations of persons upon such terms 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 13 hereof. Leasing of layings.

(2) Upon the execution of a lease or agreement for a lease of a 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 laying the right of several fishery therein as if he were the grantee of an Order under the Sea Fisheries Acts 1843 to 1893 conferring on him a right of several mussel fishery within the 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 to be a consent on behalf of the tenant to all byelaws under the Sea Fisheries Regulation Acts 1888 to 1930.

8.—(1) The limits of the fishery defined by this Order and of every reserve and laying in respect of which a lease has been granted or an agreement for a lease made under this Order shall be marked out by notice boards buoys or otherwise by the Grantees or if they so arrange in the case of a reserve or laying by the tenant provided however that the written consent of the harbour authority shall first be obtained to such markings. Marking out limits.

(2) If any notice and notice board buoy or other mark placed and maintained by the Grantees shall be removed or obliterated

[Ch. lxxxvi.] *Sea Fisheries (Ribble)* [26 GEO. 5. &
Order Confirmation Act, 1936. 1 EDW. 8.]

- A.D. 1936. — or damaged it shall forthwith be replaced or restored or renewed as the case may be by the Grantees.
- Maintenance of boundaries. 9. The Grantees or their tenants may construct and maintain such works as may be necessary for marking the boundaries of or between any reserves and layings under this Order. Provided however that the written consent of the harbour authority shall first be obtained to the construction of such works.
- Consent to works of Minister and Board of Trade. 10. No buildings erections embankments or other works shall at any time be commenced or executed by the Grantees or their tenants within the limits defined by this Order without the previous consent in writing of the Minister and the Board of Trade after consultation with the harbour authority.
- Application of revenue. 11. The Grantees shall apply the rents and revenues under this Order to all or any of the following purposes :—
(1) Placing and maintaining the notices notice boards and other marks above mentioned and in setting and marking out constructing and maintaining the divisions or boundaries of or between reserves and layings :
(2) Marking and maintaining mussel beds and propagating cultivating breeding fattening and gathering mussels for that purpose :
(3) Payment of their costs and expenses incidental to obtaining this Order to the management and improvement of the several fishery and to any other purposes of this Order.
- Accounts. 12. 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.
- Duration of Order. 32 & 33 Vict. c. lxx. 13. 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.
- Crown rights. 14. 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 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. A.D. 1936.
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15. Nothing in this Order contained shall affect prejudicially any of the rights powers and authorities of the Southport Corporation with regard to the foreshore owned by the Corporation within the limits defined by this Order. Saving of rights of Southport Corporation.

16. Nothing in this Order contained shall affect prejudicially any of the rights powers and authorities of the Lytham St. Anne's Corporation with regard to the foreshore owned by the Corporation within the limits defined by this Order. Saving of rights of Lytham St. Anne's Corporation.

17. Nothing in this Order shall affect any right of any person to fish within the limits defined by this Order for shrimps with or by means of hand nets or hose nets or boat shanking or cart shanking. Saving of rights of persons to fish for shrimps.

18. Nothing in this Order shall affect prejudicially any of the rights powers and authorities of the harbour authority. Saving of rights of harbour authority.

19. Nothing in this Order contained shall affect prejudicially any of the rights powers and authorities of the River Crossens Catchment Board with regard to the area under the Board's jurisdiction within the limits defined by this Order. Saving of rights of River Crossens Catchment Board.

20. Save in so far as may be necessary for the purposes of the exercise of the right of fishery hereby conferred nothing in this Order shall affect prejudicially the owners of the shore or the bed of the sea or of any river channel creek bay or estuary situate within the limits defined by this Order and in or adjoining the township manor or liberties of North Meols or the exercise by them of any rights of or incidental to the ownership thereof. Saving of rights of owners of certain parts of shore or bed of sea &c. within area.

21. This Order may be cited as the Ribble Mussel Fishery Order 1936. Short title.

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