



Sea Fisheries (Shellfish) Act 1967

1967 CHAPTER 83

Fisheries for shellfish

1 Power to make orders as to fisheries for shellfish.

(1) Subject to the provisions of this section, the appropriate Minister may, on an application made to him in accordance with subsection (2) of this section, by order provide for the establishment or improvement, and for the maintenance and regulation, of a fishery for shellfish of any one or more of the following descriptions, that is to say, oysters, mussels [^{F1}cockles, clams [^{F2}, lobsters] and any other molluscs [^{F2} or crustaceans] of a kind specified in regulations made by the appropriate Minister], on any portion of the shore and bed of the sea, or of an estuary or tidal river, above or below, or partly above and partly below, low water mark and within [^{F3} waters adjacent to [^{F4} England and Wales] to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured] (which shore and bed are in this Act referred to as “the sea shore”) and, if desirable, for the constitution of a board or body corporate for the purposes of the order.

[^{F5}(1A) Subsection (1) above has effect in relation to Scotland, with the modification that for “waters adjacent to England and Wales to” there is substituted “that part of the Scottish zone within”.]

(2) An application for an order under this section shall be made in such form and manner as may be prescribed by regulations made by the appropriate Minister; and the provisions of Schedule 1 to this Act shall have effect in relation to the making of orders under this section.

(3) An order under this section may confer on such persons as may be specified in the order—

- (a) a right of several fishery with respect to the whole of the area of the fishery to which the order relates, or
- (b) a right of regulating a fishery with respect to the whole of that area, or
- (c) a right of several fishery with respect to such part of that area as may be specified by or under the order and a right of regulating a fishery with respect to the remainder,

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Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries (Shellfish) Act 1967, Section 1. (See end of Document for details)

but shall not confer either right for a longer period at one time than sixty years.

- (4) An order under this section shall not be made with respect to any portion of the sea shore which belongs to Her Majesty in right of the Crown or forms part of the possessions of the Duchy of Lancaster or of the Duchy of Cornwall except with the appropriate consent, that is to say—
- (a) the consent of the Crown Estate Commissioners, or
 - (b) the consent of the Chancellor of the Duchy of Lancaster in writing under his hand attested by the clerk of the Council of the Duchy, or
 - (c) the consent of the Duke of Cornwall or the other persons for the time being empowered to dispose for any purpose of lands of the Duchy of Cornwall,
- as the case may be.
- (5) No order under this section shall take away or abridge any right of several fishery or any right on, to or over any portion of the sea shore, being a right enjoyed by any person under any local or special Act of Parliament or any Royal charter, letters patent, prescription, or immemorial usage, except with the consent of that person.
- (6) Any order made under this section may be varied by a subsequent order made thereunder; and the foregoing provisions of this section shall apply in relation to any such subsequent order and to an application for such an order as they apply in relation to an original order made under this section and to an application for such an order.

Textual Amendments

- F1** Words substituted by [Sea Fisheries Act 1968 \(c. 77\)](#) , **s. 15(2)**
- F2** Words in s. 1(1) inserted (27.2.1995) by [1997 c. 3](#) , **s. 1**
- F3** Words substituted by [Fishery Limits Act 1976 \(c. 86\)](#) , **Sch. 2 para. 15**
- F4** Words in s. 1(1) substituted (1.7.1999) by [S.I. 1999/1820](#) , art. 4 , **Sch. 2 Pt. I para. 42(2)(a)** ; [S.I. 1998/3178](#) , **art. 3**
- F5** S. 1(1A) inserted (1.7.1999) by [S.I. 1999/1820](#) , art. 4 , **Sch. 2 Pt. I para. 42(2)(b)** ; [S.I. 1998/3178](#) , **art. 3**
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Modifications etc. (not altering text)

- C1** S. 1 amended by [Sea Fisheries Act 1968 \(c. 77\)](#) , **s. 15(1)(3)–(5)**
- C2** S. 1(1) extended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#) , **s. 34 (a)**

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Changes to legislation:

There are currently no known outstanding effects for the Sea Fisheries (Shellfish) Act 1967, Section 1.