

1966 No. 792

SEA FISHERIES

The River Teign Mussel Fishery Order 1966

<i>Made</i> - - -	29th June 1966
<i>Laid before Parliament</i>	8th July 1966
<i>Coming into Operation</i>	9th July 1966

The Minister of Agriculture, Fisheries and Food (hereinafter referred to as "the Minister" in exercise of his powers under Part III of the Sea Fisheries Act 1868(a) as amended by sections 23 and 25 of the Sea Fish Industry Act 1962(b) and of all other powers enabling him in that behalf (c), with the consent of the Crown Estate Commissioners, hereby makes the following Order:—

1.—(1) This Order may be cited as the River Teign Mussel Fishery Order 1966 and shall come into operation on 9th July 1966.

(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.—(1) There is hereby conferred on the Teign Musselmen's Society Ltd., whose Registered Office is at 8, Ivy Lane, Teignmouth in the County of Devon (hereinafter referred to as "the Society") the right to regulate the fishery for mussels over all that part of the bed and foreshore of the River Teign in the County of Devon bounded on the West by a straight line drawn from Luxton Steps south-eastwards to Archbrook and on the East by a straight line drawn across the river 60 ft. upstream of Shaldon Bridge, containing an area of about 385 acres or thereabouts as the same is shown on the definitive map sealed by the Minister for the purpose of this Order and thereon coloured pink and edged red.

(2) In the event of any discrepancy between the foregoing description and the said map, then the latter shall prevail.

(3) Subject to the provisions of Article 5 hereof the limits of the area to which this Order applies shall be marked out by notice boards erected at such places and in such manner as the Minister may from time to time require and the Society shall at all times during the period of operation of this Order maintain such notice boards in good repair.

3.—(1) No person shall within the limits of the fishery hereinbefore described dredge or fish for or take mussels except under the authority of and in accordance with the condition contained in a licence issued by the Society in that behalf.

(a) 1868 c. 45.

(b) 1962 c. 31.

(c) For devolution of the Minister's powers see Board of Agriculture and Fisheries Act 1903 (1903 c. 31), Ministry of Agriculture and Fisheries Act 1919 (1919 c. 91) and S.I. 1955/554 (1955 I, p. 1200).

(d) 1889 c. 63.

(2) A licence shall be available only for the period specified therein and for use by the person named therein.

(3) Licences shall be in a form approved by the Minister.

(4) Any person dredging or fishing for or taking mussels under the authority of a licence issued under this Order shall when required by any officer appointed by the Society and after the production by such officer of written evidence of his authority if so required, produce such licence and shall desist from dredging, fishing for or taking mussels until the same is produced.

4.—(1) There shall be paid to the Society in respect of every annual licence a toll of 10 shillings. The Society may in their discretion issue licences for periods of less than a year in respect of which a toll shall be paid to the Society calculable at the rate of 10 shillings per annum.

(2) Where a licence has been lost or accidentally destroyed a duplicate thereof shall on application by the licensee, be issued to him on payment of a fee of 10 shillings.

5. Nothing in this Order shall affect prejudicially any estate, right, privilege or exemption of the Crown or its tenants or licensees and in particular nothing herein contained shall authorise the Society 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 whatever description belonging to Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners.

6. Subject to the provisions of Article 5 hereof nothing in this Order shall authorise the execution of any works on over or under tidal lands below the level of mean high water springs except in accordance with plans and sections approved by the Board of Trade and subject to such conditions and restrictions as the Board of Trade may prescribe before the execution of such works is begun.

7. 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) as extended by section 1 of the Sea Fisheries Act 1884(b) this Order shall continue in operation for sixty 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 on 29th June 1966.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, made under powers contained in the Sea Fisheries Act 1868 (as amended) confers upon the Teign Musselmen's Society Ltd., powers to regulate the fishery for mussels in part of the River Teign in the administrative County of Devon.

(a) 1869 c. 31.

(b) 1884 c. 27.

The situation and extent of the fishery is shown on the definitive map sealed by the Minister of Agriculture, Fisheries and Food, which may be inspected during usual office hours at the Fisheries Department, Ministry of Agriculture, Fisheries and Food.

1966 No. 701

SEA FISHERIES

The River Teign Tidal Fishery Order 1966

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The River Teign Mussel Fishery Order 1966