

1989 No. 178

SEA FISHERIES

The Calshot Oyster Fishery (Variation) Order 1989

<i>Made</i>	- - - -	<i>10th February 1989</i>
<i>Laid before Parliament</i>		<i>14th February 1989</i>
<i>Coming into force</i>	-	<i>8th March 1989</i>

Whereas an application for an Order to vary the Calshot Oyster Fishery Order^(a) (hereinafter called "the principal Order") was made under section 1 of the Sea Fisheries (Shellfish) Act 1967^(b) to the Minister of Agriculture, Fisheries and Food by Calshot Oyster Fishermen Limited (hereinafter referred to as 'the grantees');

And whereas the said Minister prepared a draft Order and served a copy of it on the said grantees in accordance with paragraph 1 of Schedule 1 to the said Act;

And whereas the grantees caused printed copies of the draft Order to be published and circulated, and gave notice of the application, in accordance with paragraph 2 of the said Schedule;

And whereas objections were received by the said Minister, under paragraph 3 of the said Schedule, which he considered to be neither frivolous nor irrelevant, and which were not withdrawn;

And whereas the Minister appointed an inspector respecting the proposed Order in accordance with paragraph 4(2) of the said Schedule, and the inspector made an inquiry in accordance with paragraph 4(3) thereof, and made a report to the Minister in accordance with paragraph 4(7) thereof stating that in his opinion the proposed Order should be made;

Now, therefore, the said Minister, in exercise of the powers conferred on him by the said section 1 and of all other powers enabling him in that behalf and with the consent of the Crown Estate Commissioners, hereby makes the following Order:-

Title and commencement

1. This Order may be cited as the Calshot Oyster Fishery (Variation) Order 1989 and shall come into force on 8th March 1989.

Variation of the principal Order

2. The principal Order is hereby varied in accordance with the following provisions of this Order.

3. In article 3(1) (right of several fishery) for the words "for a period of seven years" there shall be substituted the words "for the period ending on 1 June 1995", and for the

(a) S.I. 1982/135.

(b) 1967 c.83; section 1 was amended by section 15(2) of the Sea Fisheries Act 1968 (c.77) and paragraph 15 of Schedule 2 to the Fishery Limits Act 1976 (c.86) and is to be read with section 15(3) to (5) of the Sea Fisheries Act 1968; Schedule 1 was amended by section 15(7) of the Sea Fisheries Act 1968.

words "18A Rumbidge Street, Totton, Hampshire SO4 4DP" there shall be substituted the words "Crampmoor Farm, Crampmoor Lane, Romsey, Hampshire SO1 9AJ".

4. In article 6 (saving rights of the British Transport Docks Board) for the words "British Transport Docks Board" there shall be substituted the words "Associated British Ports".

5. After article 4 there shall be inserted the following articles:-

"Control of deposits

4A. The grantees shall not without the written consent of the Minister deposit or permit any other person to deposit within the limits of the fishery any oyster of the species *Ostrea edulis* and shall comply with any condition subject to which the Minister gives his consent to the deposit of any such oyster.

Taking of samples for the purpose of disease control

4B. The grantees shall permit any person authorised in that behalf by the Minister to do the following things for any purpose connected with preventing the spread of disease:-

- (a) at any reasonable time to obtain samples of any shellfish found within the fishery and, provided they have been marked, labelled or otherwise made capable of identification, to remove them from the fishery;
- (b) when the purpose for which any such sample was taken has been satisfied, to dispose of it as he may determine."

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th February 1989.



John MacGregor
Minister of Agriculture, Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Order)

This Order continues the Calshot Oyster Fishery Order 1982 in force until 1 June 1995 from the day at the end of which it would otherwise have ceased to be in force, namely 7th March 1989.

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