

2005 No. 1400

SEA FISHERIES, ENGLAND

SHELLFISH

The Calshot Oyster Fishery Order 2005

<i>Made</i> - - - -	<i>24th May 2005</i>
<i>Laid before Parliament</i>	<i>26th May 2005</i>
<i>Coming into force</i> - -	<i>17th June 2005</i>

Whereas the Calshot Oyster Fishermen Limited (“the grantee”) made an application for an order conferring a right of several fishery under section 1(3)(a) of the Sea Fisheries (Shellfish) Act 1967 (a) to the Secretary of State for Environment, Food and Rural Affairs (b);

And whereas the Secretary of State prepared a draft Order and served a copy of it on the grantee in accordance with paragraph 1 of Schedule 1 to that Act;

And whereas the grantee 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 Schedule;

And whereas no objections to the making of the Order were received;

Now the Secretary of State, in exercise of the powers conferred on her by section 1 of the Act, and with the consent of the Crown Estate Commissioners, makes the following Order:

Title, commencement, extent and interpretation

- 1.—(1) This Order may be cited as the Calshot Oyster Fishery Order 2005 and shall come into force on 17th June 2005.
- (2) This Order shall not form part of the law of Scotland and shall not apply in Wales.
- (3) In this Order, “oyster” means oyster of the species *Ostrea edulis*.

Right of several fishery

2.—(1) The Secretary of State confers on the Calshot Oyster Fishermen Limited (“the grantee”), whose registered office is at 41 Park Road, Freemantle, Southampton, Hampshire SO15 3AW, the

(a) 1967 c.83
(b) By virtue of article 2(1) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) the functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State for Environment, Food and Rural Affairs.

right of several fishery for oysters with respect to the area specified in paragraph (2) of this article, for a period of ten years starting on 17th June 2005.

(2) The area referred to in paragraph (1) of this article is the area around Calshot Spit in the Port of Southampton shown on the map (“the definitive map”), prepared in duplicate and signed on behalf of the Secretary of State, and marked “Calshot Oyster Fishery Order 2005 – Definitive map showing the extent of the area concerned”.

(3) One copy of the definitive map is available at the grantee’s offices and the other at the library of the Secretary of State for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London, SW1P 2AL.

Marking of limits of fishery

3. The grantee shall mark out the limits of the fishery in such manner as the Secretary of State may from time to time direct and shall maintain these marks in position and good repair.

Approval of Associated British Ports for certain fishing etc.

4. The grantee shall not dredge, fish for or take oysters within that area of the fishery which is shown coloured in blue on the definitive map without the prior approval in writing of Associated British Ports.

Restrictions in respect of utility companies

5. Nothing in this Order shall affect prejudicially Associated British Ports, Southern Electric, Southern Water, Npower or National Grid Transco Plc in respect of any operations carried out by any of those bodies in the exercise of their statutory functions.

Saving rights of the Crown

6. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular nothing in this Order shall authorise the grantee 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.

Accounts of income and expenditure, other information and inspection

7.—(1) The grantee shall give the Secretary of State annual accounts of its income and expenditure under this Order, and shall give the Secretary of State all other information required by her with reference to this Order and the area to which it applies, in such form and at such times as she may require.

(2) The grantee shall allow any person authorised by the Secretary of State with regard to accounts of income and expenditure and other information in relation to this Order and the area to which it applies, to inspect the area and all accounts and other documents in the possession of the grantee relating to the Order and the area, and give to such person any information relating to these, as the Secretary of State may require.

24th May 2005

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on the Calshot Oyster Fishermen Limited (“the grantee”) a right of several fishery for native oysters (*Ostrea edulis*) over a portion of the bed of the sea around Calshot Spit in the Port of Southampton for a period of ten years starting on 17th June 2005.

The extent of the fishery is shown in the definitive map signed on behalf of the Secretary of State, which may be inspected (subject to prior appointment) during office hours at the grantee’s registered office at 41 Park Road, Freemantle, Southampton, Hampshire SO15 3AW, or at the library of the Secretary of State for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London, SW1P 2AL.

The grantee of this Order was previously the grantee of a similar right of fishery under The Calshot Oyster Fishery Order 1982 (S.I. 1982/135) as amended.

STATUTORY INSTRUMENTS

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