

**EXPLANATORY MEMORANDUM TO THE  
CALSHOT OYSTER FISHERY ORDER 2005**

**2005 No. 1400**

1. This explanatory memorandum has been prepared by the Department For Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 This Order grants Calshot Oyster Fishermen Limited exclusive harvesting rights to cultivate and manage stocks of oysters of the species *Ostrea edulis*, over a defined area. In return, the grantees must cultivate and manage the fishery by preparing the ground for example by bringing in new seed stocks to grow on the fishery.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Background**
  - 4.1 The Calshot Fishery Order was first made in 1982 (S.I. 1982/135) and subsequently renewed for a further period which expires on 1 June 2005. The Calshot Oyster Fishermen Limited applied to Defra for renewal of the several order allowing them to fish for oysters for a further 10 years. The Order does not alter the areas already being fished. The company will continue to encourage the sustainable growth of oysters within a framework that safeguards environmental and other interests.
5. **Extent**
  - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**
  - 6.1 Not applicable
7. **Policy background**
  - 7.1 Section 1 of the Sea Fisheries (Shellfish) Act 1967 allows the Secretary of State to make Several Orders granting exclusive rights for a set period to deposit, propagate, dredge, fish for or take shellfish of the type named in the order.

- 7.2 The purpose of a Several Order is to encourage the establishment or improvement of a shellfishery.
- 7.3 The Act requires that all applications for several orders, including renewal orders, must be subject to public consultation.
- 7.4 The Order must be advertised in draft form and all interested parties (not only fisheries interests but also other users of the area including recreational and sporting interest along with navigation and sporting interests and environmental bodies) given the right to state their views and objections. If the applicant is unable to secure the withdrawal of these objections then, provided that they are not frivolous or irrelevant, the Act requires that a public enquiry is held and chaired by an Inspector appointed by the Secretary of State.
- 7.5 Application for the proposed Order was subject to public consultation which ended on 9 May 2005. No objections were received.

## **8. Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no more than negligible impact on business, charities or voluntary bodies. Interested parties were consulted and no objections were made to the making of the Order for a further 10 years.
- 8.2 The impact on the public sector is that the Order places restrictions on other fishing practices which may take place within the area of the Order. These include practices that would damage or place at risk the oyster stock for which the Order has been given.

## **9. Contact**

David Mullin at the Department for Environment, Food and Rural Affairs Tel: 020 7270 8205 or e-mail: david.mullin@defra.gsi.gov.uk can answer any queries regarding the instrument.