

1962 No. 1751

SEA FISHERIES

The River Taw Mussel Fishery Order 1962

Made - - - -	3rd August 1962
Laid before Parliament	15th August 1962
Coming into Operation	19th August 1962

The Minister of Agriculture, Fisheries and Food (hereinafter referred to as "The Minister") in exercise of his powers under Sections 29 and 34 of the Sea Fisheries Act 1868(a), the Board of Agriculture and Fisheries Act 1903(b), the Ministry of Agriculture and Fisheries Act 1919(c), Section 23 of the Sea Fish Industry Act 1962(d), and of all other powers enabling him in that behalf hereby makes the following Order:—

1.—(1) This Order may be cited as the River Taw Mussel Fishery Order 1962 and shall come into operation on 19th August 1962.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. Brian David Hill of Pill Bungalow, Fremington, Barnstaple in the County of Devon, shall be the Grantee of the fishery mentioned in this Order, and in this Order the expression "Grantee" shall be deemed to include his successors and assigns where the context so admits.

3. The right of fishery hereby conferred shall subsist over so much of the foreshore and fundus of the River Taw as is bounded on the north by the high water mark of neap tides of the northern foreshore; on the east by a straight line drawn across the River Taw from the Royal Air Force Station Chivenor sewer outfall to a point 800 yards east of the most westerly point of high water mark of ordinary tides of Home Farm Marsh; on the south by the low water mark of ordinary tides of the southern foreshore and on the west by a straight line drawn across the River Taw from the aforementioned westerly point of Home Farm Marsh to the eastern end of the sea wall on the northern bank of the River Taw containing an area of about 54 acres or thereabouts and more particularly shown in pink colour edged red on the definitive map sealed by the Minister; and in the event of any inconsistency between the foregoing written description and the said map then the former shall prevail.

4. The Lands Clauses Consolidation Act 1845(f) and the Lands Clauses Consolidation Acts Amendment Act 1860(g) are hereby incorporated in this Order.

5. This Order confers on the Grantee a right of several or exclusive mussel fishery within the limits above mentioned.

6. Two white posts shall be fixed at suitable points along the line of the eastern boundary and two white posts fixed at suitable points along the line of the western boundary to indicate the limits of the fishery.

In the event of any of the marks being obliterated by storm or otherwise they shall be replaced by the Grantee.

7. Notice of the said limits shall be given to fishermen, dredgermen and others, by advertisements in local newspapers, or in any such other manner as the Minister may direct.

(a) 31 & 32 Vict. c. 45.

(b) 3 Edw. 7. c. 31.

(c) 9 & 10 Geo. 5. c. 91.

(d) 10 & 11 Eliz. 2. c. 31.

(e) 52 & 53 Vict. c. 63.

(f) 8 & 9 Vict. c. 18.

(g) 23 & 24 Vict. c. 106.

8. No works shall be carried out on over or under tidal waters or lands below high water mark of ordinary spring tides except in accordance with plans and sections approved by the Minister of Transport and subject to such conditions and restrictions as the Minister of Transport may prescribe before such work is begun.

9. Such works as are mentioned in Article 8 hereof shall be executed subject to the provisions of Article 10 hereof and, in particular and without prejudice to that general limitation, any consent to the execution of such works given by the Crown Estate Commissioners on behalf of Her Majesty may be given subject to such restrictions and conditions as the Crown Estate Commissioners may think proper, including the payment by the Grantee and his tenants to the Crown Estate Commissioners of an annual rent or sum of money in respect of such works.

10. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained 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 without the previous consent in writing of the Crown Estate Commissioners.

11. Nothing in this Order shall be deemed to affect the right of any person duly licensed in that behalf by the Devon River Board to fish for salmon within the limits defined in Article 3 hereof, in the manner and at the times and seasons in and at which such fishing for salmon is now customarily carried on.

12. 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), 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 the 3rd August 1962.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

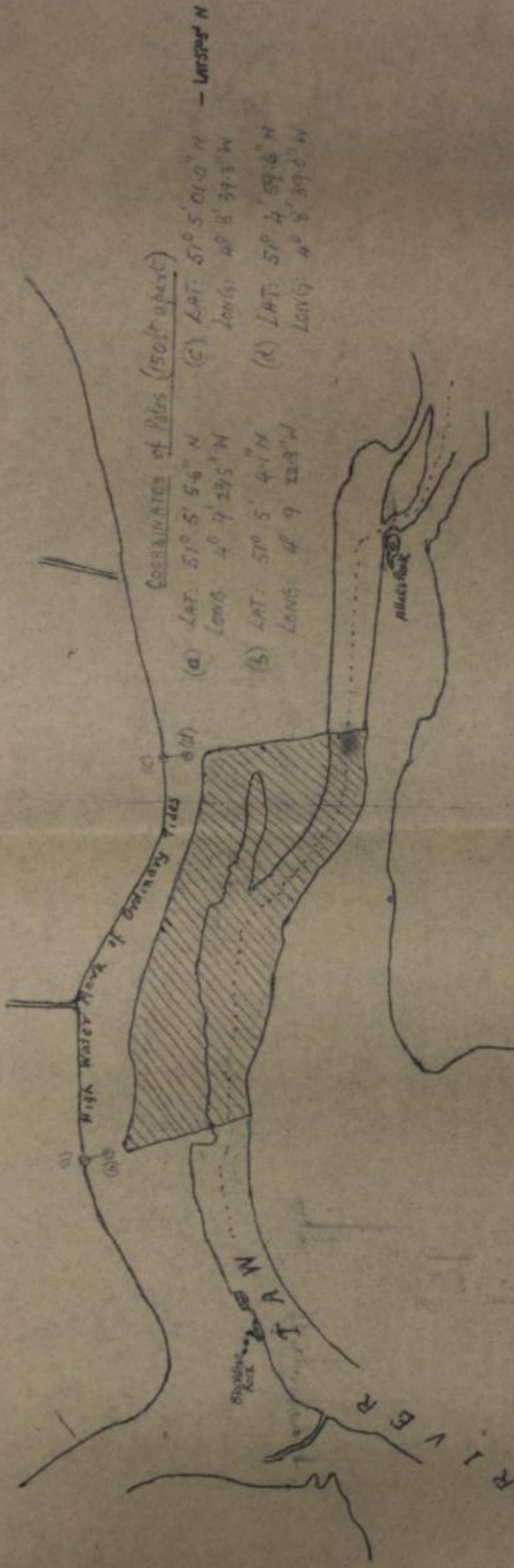
This Order made under powers contained in the Sea Fisheries Act 1868 (as amended) confers upon Brian David Hill rights of several or exclusive mussel fishery in part of the bed and foreshore of the River Taw, in the county of Devon.

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 office hours at the Fisheries Department, Ministry of Agriculture, Fisheries and Food, East Block, Whitehall Place, London S.W.1.

(a) 32 & 33 Vict. c. 31.

Printed in England and published by
HER MAJESTY'S STATIONERY OFFICE: 1962

THREEPENCE NET



— LONGITUDE N

DEVONSHIRE SHEET XII NE

6" = 1 STATUTE MILE

LONG
4° 9' W