

1974 No. 1555

SEA FISHERIES

SHELLFISH

The Molluscan Shellfish (Control of Deposit) Order 1974

Made - - - - 17th September 1974

Coming into Operation 7th October 1974

The Minister of Agriculture, Fisheries and Food; in exercise of the powers conferred on him by section 12 of the Sea Fisheries (Shellfish) Act 1967(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Molluscan Shellfish (Control of Deposit) Order 1974 and shall come into operation on 7th October 1974.

Interpretation

2.—(1) In this order:—

“The Minister” means the Minister of Agriculture, Fisheries and Food; “molluscan shellfish” means molluscan shellfish of any kind whether alive or dead and includes any part of a molluscan shellfish and any (or any part of any) brood, ware, half-ware or spat of molluscan shellfish, and any spawn of molluscan shellfish, and the shell, or any part of the shell, of a molluscan shellfish;

“shellfish bed” means any bed or ground in which shellfish are usually found or which is used for the propagation or cultivation of shellfish.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament and as if this order and the orders hereby revoked were Acts of Parliament.

Revocation of previous orders

3. The Molluscan Shellfish (Control of Deposit) Order 1965(c), the Molluscan Shellfish (Control of Deposit) Amendment Order 1966(d) and the Molluscan Shellfish (Control of Deposit) Amendment Order 1968(e) are hereby revoked.

Designation of waters

4. (1) The Minister hereby designates for the purposes of this order the areas of water specified in the Schedule hereto.

(a) 1967 c.83.

(c) S.I. 1965/1971 (1965 III, p.5829)

(e) S.I. 1968/1164 (1968 II, p. 3150).

(b) 1889 c.63.

(d) S.I. 1966/1162 (1966 III, p. 2788).

(2) The Minister hereby also designates for the purposes of this order the foreshore adjacent to the areas of water hereby designated and all land adjacent to such areas comprising shellfish cleansing and storing establishments, shellfish hatcheries, shellfish pits and shellfish ponds.

Prohibition

5. The deposit in any area of water designated by this order of molluscan shellfish, being shellfish taken from any shellfish bed outside that area of water, is hereby prohibited.

Exceptions

6. The prohibition imposed by Article 5 of this order shall not apply to any molluscan shellfish if—

- (a) they are deposited under the authority of a licence granted by the Minister, and
- (b) the conditions (if any) specified in that licence are complied with.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th September 1974.

(L.S.)

Frederick Peart,

Minister of Agriculture, Fisheries and Food.

SCHEDULE
DESIGNATED WATERS

In this Schedule a group of two letters and eight figures identifying or associated with any point represents the map co-ordinates of that point estimated to the nearest ten metres on the grid of the national reference system used by the Ordnance Survey on its maps and plans.

The areas of water comprising tidal waters (whether forming part of the sea or not) within the seaward limits of the territorial waters adjacent to England and Wales which lie between or within, as the case may be, the limits specified below:—

- Area 1 A line drawn due east from NT 97945752 being the point where the border with Scotland intersects the coastline and a line drawn due east from Dunstanburgh Castle at NU 25752195.
- Area 2 A line drawn due east from Dunstanburgh Castle at NU 25752195 and a line drawn due east from the Heugh Lighthouse, Hartlepool at NZ 53213378.
- Area 3 A line drawn due east from the Heugh Lighthouse, Hartlepool, at NZ 53213378 and a line drawn due east from the Flamborough Lighthouse at TA 25427064.
- Area 4 A line drawn due east from the Flamborough Lighthouse at TA 25427064 and a line drawn due east from Donna Nook at TF 43029971.

- Area 5 A line drawn due east from Donna Nook at TF 43029971 and a line drawn due north from the westernmost tip of Scolt Head at TF 79194627.
- Area 6 A line drawn due north from the westernmost tip of Scolt Head at TF 79194627 and a line drawn due east from the end of the northern pier at the entrance to Yarmouth Harbour at TG 53500381.
- Area 7 A line drawn due east from the end of the northern pier at the entrance to Yarmouth Harbour at TG 53500381 and a line drawn due east from the landward end of the jetty at Landguard Point, Felixstowe at TM 28303116.
- Area 8 A line drawn due east from the landward end of the jetty at Landguard Point, Felixstowe at TM 28303116 and a line drawn due east from the landward end of Barge Pier, Shoeburyness at TQ 93108393.
- Area 9 A line drawn due east from the landward end of Barge Pier, Shoeburyness at TQ 93108393 and a line drawn due east from the North Foreland Lighthouse at TR 39856961, including that part of the River Swale east of Kingsferry bridge, Queenborough-in-Sheppey, but excluding Area 10.
- Area 10 The River Medway, Kent, including its creeks and tributaries and that part of the River Swale to the west side of Kingsferry bridge, Queenborough-in-Sheppey, being the area south of a line drawn from the northern end of the sea wall on the Isle of Grain at TQ 89017700 to Barton's Point on the Isle of Sheppey at TQ 93867494.
- Area 11 A line drawn due east from the North Foreland Lighthouse at TR 39856961 and a line drawn due south from the southernmost tip of Selsey Bill at SZ 85709211.
- Area 12 A line drawn due south from the southernmost tip of Selsey Bill at SZ 85709211 and a line drawn due south from the Lighthouse on the southern end of the Bill of Portland at SY 67746835.
- Area 13 A line drawn due south from the Lighthouse on the Bill of Portland at SY 67746835 and a line drawn due south from the Lighthouse at Start Point at SX 82943711.
- Area 14 A line drawn due south from the Lighthouse at Start Point at SX 82943711 and a line drawn due south from the Lizard Lighthouse at SW 70401156.
- Area 15 A line drawn due south from the Lizard Lighthouse at SW 70401156 and a line drawn due west from the Bull Point Lighthouse at SS 46264678.
- Area 16 A line drawn due west from the Bull Point Lighthouse at SS 46264678 and a line drawn south-west from Worms Head at SS 38338771 but excluding Area 17.
- Area 17 The Severn Estuary eastwards of a line drawn from Sand Point at ST 31856592 to Lavernock Point at ST 18746812.
- Area 18 A line drawn south-west from Worms Head at SS 38338771 and a line drawn due west from New Quay Head at SN 38756048.
- Area 19 A line drawn due west from New Quay Head at SN 38756048 to a line drawn due west from Braich-y-pwll at SH 13552583.
- Area 20 A line drawn due west from Braich-y-pwll at SH 13552583 and a line drawn due north from the Lighthouse at Great Ormes Head at SH 75678444.
- Area 21 A line drawn due north from the Lighthouse at Great Ormes Head at SH 75678444 and a line drawn due west from Formby Point at SD 26710677.
- Area 22 A line drawn due west from Formby Point at SD 26710677 and a line drawn due west from the landward end of the South Pier, Blackpool at SD 30483374.
- Area 23 A line drawn due west from the landward end of the South Pier, Blackpool at SD 30483374 and a line drawn due west from Sunderland Point at SD 42335523.
- Area 24 A line drawn north to south through the eastern edge of Chapel Island at SD 32167579 and a line drawn due west from Sunderland Point at SD 42335523.

- Area 25 The area lying to the west of a line drawn north to south through the eastern edge of Chapel Island at SD 32167579 and to the north of a line drawn due west from Sunderland Point at SD 42335523 and to the south of a line drawn due west from Haverigg Point at SD 14137787.
- Area 26 A line drawn due west from Haverigg Point at SD 14137787 and a line defined as follows – the centre line of the River Sark starting at its mouth to its junction with the low water channel of the River Esk, the centre line of the low water channel of the River Eden to its junction with the 13 Easting gridline (Ordnance Survey Maps), the equidistant line of the estuary between the high water marks on the coasts of England and Scotland to the mid point of a line joining Little Ross Lighthouse at NX 65964320 to St. Bee's Lighthouse at NX 94141438, thence along a line bearing of 224° (True).
- Area 27 The area of water comprising tidal waters (whether forming part of the sea or not) within the seaward limits of the territorial waters adjacent to the Isles of Scilly.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which is made under Section 12 of the Sea Fisheries (Shellfish) Act 1967, designates areas of tidal water within the seaward limits of the territorial waters adjacent to England and Wales and prohibits the deposit in any area so designated of molluscan shellfish taken from a shellfish bed outside that area except under the authority of, and in compliance with any conditions specified in, a licence granted by the Minister of Agriculture, Fisheries and Food. The order also designates certain land adjacent to the designated waters, and by virtue of Section 12(3) of the Act, the prohibition imposed by Article 5 of the Order applies also to the deposit of molluscan shellfish on that land.

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