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STATUTORY INSTRUMENTS

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**2013 No. 1978**

**SEA FISHERIES, ENGLAND**

**SHELLFISH**

**The River Camel Mussel and Oyster Fishery Order 2013**

<i>Made</i>	- - - -	<i>7th August 2013</i>
<i>Laid before Parliament</i>		<i>9th August 2013</i>
<i>Coming into force</i>	- -	<i>31st August 2013</i>

An application has been made to the Secretary of State in accordance with section 1(2) of the Sea Fisheries (Shellfish) Act 1967(1) (“the Act”) for an Order conferring a right of several fishery under section 1 of the Act.

The Secretary of State has prepared a draft Order and served a copy of it on the applicant in accordance with paragraph 1 of Schedule 1 to the Act.

The applicant has caused printed copies of the draft Order to be published and circulated, and has given notice of the application, in accordance with paragraph 2 of that Schedule.

The Secretary of State has considered representations received, in accordance with paragraphs 3, 4 and 6 of that Schedule, and thinks it expedient to make the Order.

The Secretary of State has had regard to the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961(2), in accordance with paragraph 6(2) of that Schedule.

The Secretary of State makes the following Order in exercise of the powers conferred by section 1 of the Act.

**Title, commencement, extent and interpretation**

1.—(1) This Order—

- (a) may be cited as the River Camel Mussel and Oyster Fishery Order 2013;
- (b) comes into force on 31st August 2013; and

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(1) 1967 c.83; section 1(1) was amended by the Fishery Limits Act 1976 (c.86), section 9(1) and Schedule 2, paragraph 17(1); the Marine and Coastal Access Act 2009 (c.23) (“the 2009 Act”), section 202(1) and (2); S.I. 1999/1820. Section 1(4) was repealed by the 2009 Act, sections 202 and 321 and Schedule 22. Section 1(6) was substituted by the 2009 Act, section 203. Schedule 1 was amended by the 2009 Act, sections 202, 214, 321 and Schedule 22, Part 5(A). See section 22(1) for definition of “the appropriate Minister” for the purposes of section 1. By virtue of article 2 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.

(2) 1961 c.55.

(c) extends to England and Wales.

(2) In this Order “the grantee” means I Marshall and Sons LLP of Porthilly Farm, Rock, Wadebridge, Cornwall, PL2Y 6JX.

### **Right of several fishery**

2.—(1) The Secretary of State confers on the grantee the right of several fishery for mussels and oysters with respect to those areas of the River Camel (“the River”) in the County of Cornwall described in paragraph (2) for a period of 15 years commencing on 31st August 2013.

(2) The areas referred to in paragraph (1) are the four areas each of which is defined by boundary lines plotted by joining a sequential set of co-ordinates<sup>(3)</sup> specified in paragraph (3), and which comprise—

- (a) an area adjoining the north bank of the River (“the North Bank Area”); and
- (b) three areas adjoining, or approximately adjoining, the south bank of the River (“the South Bank Areas”).

(3) The sequential sets of co-ordinates for the purpose of defining the boundary lines of an area mentioned in paragraph (2) are—

- (a) in relation to the North Bank Area, the set of co-ordinates numbered 1 to 7 in the Table in Schedule 1; and
- (b) in relation to the three areas comprising the South Bank Areas, respectively, the following sets of co-ordinates in Schedule 2—
  - (i) the set of co-ordinates numbered 1 to 5 in the Table in Part 1;
  - (ii) the set of co-ordinates numbered 1 to 7 in the Table in Part 2; and
  - (iii) the set of co-ordinates numbered 1 to 5 in the Table in Part 3.

(4) In paragraph (1)—

“mussels” means mussels of the species *Mytilus edulis*; and

“oysters” means oysters of the species *Crassostrea gigas*.

### **Marking of limits of the fishery**

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

*Richard Benyon*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

7th August 2013

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(3) Positions referred to have been determined using the World Geodetic System (WGS 84) datum.

SCHEDULE 1

Article 2(3)(a)

The North Bank Area

<i>Points</i>	<i>Latitude</i>	<i>Longitude</i>
1	50° 32.540' N	04° 54.799' W
2	50° 32.450' N	04° 55.101' W
3	50° 32.328' N	04° 55.189' W
4	50° 32.190' N	04° 54.953' W
5	50° 32.080' N	04° 54.550' W
6	50° 32.100' N	04° 54.370' W
7	50° 32.540' N	04° 54.799' W

SCHEDULE 2

Article 2(3)(b)

The South Bank Areas

PART 1

<i>Points</i>	<i>Latitude</i>	<i>Longitude</i>
1	50° 31.926' N	04° 55.415' W
2	50° 31.930' N	04° 55.196' W
3	50° 31.913' N	04° 55.194' W
4	50° 31.900' N	04° 55.419' W
5	50° 31.926' N	04° 55.415' W

PART 2

<i>Points</i>	<i>Latitude</i>	<i>Longitude</i>
1	50° 31.931' N	04° 55.155' W
2	50° 31.925' N	04° 54.910' W
3	50° 31.880' N	04° 54.574' W
4	50° 31.843' N	04° 54.577' W
5	50° 31.886' N	04° 54.917' W
6	50° 31.913' N	04° 55.156' W
7	50° 31.931' N	04° 55.155' W

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### PART 3

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<i>Points</i>	<i>Latitude</i>	<i>Longitude</i>
1	50° 31.702' N	04° 54.448' W
2	50° 31.601' N	04° 54.020' W
3	50° 31.585' N	04° 54.023' W
4	50° 31.686' N	04° 54.446' W
5	50° 31.702' N	04° 54.448' W

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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order confers on the grantee (defined in article 1(2)) a right of several fishery for mussels (*Mytilus edulis*) and oysters (*Crassostrea gigas*) in the River Camel for a period of 15 years commencing on 31st August 2013.

The four areas within which the right is conferred each lie within boundary lines joining one of the sequential sets of co-ordinates set out in the Tables in the Schedules and are shown (for illustrative purposes only) hatched on the map below.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sectors is foreseen.

