



No. 364

DEPARTMENT OF AGRICULTURE & TECHNICAL INSTRUCTION FOR IRELAND.

ORDER FOR THE Improvement, Maintenance and Regulation of an Oyster Fishery in Kinsale Harbour.

WHEREAS under an Act passed in the 47th and 48th year of the Reign of Her late Majesty entitled "An Act to promote the cultivation of Oysters in Ireland" it is enacted that "the Inspectors of Irish Fisheries may make Orders for the establishment or improvement and for the maintenance and regulation of an oyster fishery on the shore and bed of the sea or of an estuary or tidal river above or below or partly above and partly below low water mark (which shore and bed are in this Act referred to as the seashore) and including, if desirable, provisions for the constitution of a Board or Body Corporate for the purpose of such Order on an application by Memorial presented to the said Inspectors by any person or persons desirous of obtaining such an Order."

AND WHEREAS under the provisions of the Agriculture and Technical Instruction (Ireland) Act, 1899, the powers and duties of the Inspectors of Irish Fisheries have been transferred to the Department of Agriculture and Technical Instruction for Ireland.

AND WHEREAS the said Department have assigned to me, Ernest William Lyons Holt, Chief Inspector of Fisheries, the performance in the name of the Department of the duties in connection with the said Fishery and delegated to me the necessary powers therefor.

AND WHEREAS an application by way of Memorial was made by the Kinsale Harbour Commissioners for an Order for the improvement, maintenance, and regulation of the oyster fishery in so much of the Bandon River and the tidal creeks thereof as lies between Inishannon Bridge on the north, and on the south an imaginary line drawn from extreme low water of Hangman's Point due west across the mouth of the river to the eastern extreme of the townland of Ballynabooly, including provisions for the constitution of a Board or Body Corporate for the purpose of such Order.

AND WHEREAS pursuant to the Statute in that behalf I duly held a Public Sitting concerning the subject matter of the said application and for the purpose of taking and receiving any evidence and information offered and to hear and inquire into any objections or representations made in respect thereto and duly published and circulated all Notices required by the said Statute.

AND WHEREAS the Board of Trade and the Commissioner of His Majesty's Woods, Forests and Land Revenues have consented to the making of this Order.

NOW I, in pursuance of the powers given to me by the said Statute, do hereby for and on behalf of the said Department, make an Order as follows:—

1. There shall be constituted and by this Order is constituted for the purposes of this Order a Body Corporate to be called the Kinsale Harbour Oyster Fishery Commissioners.

2. The said Body Corporate shall consist of the present members of the Kinsale Harbour Commissioners established by the Statute 33 and 34 Vic. Cap. clviii, being The Pier and Harbour Orders Confirmation Act, 1870 (No. 2), so long as such persons respectively shall continue to be members of the Kinsale Harbour Commissioners, and no longer, and of every person from time to time becoming a Kinsale Harbour Commissioner under the said Act so long as he shall continue to be such, and no longer, always excepting any person who shall become a Kinsale Harbour Commissioner but who shall decline to act as a member of the Body Corporate hereby constituted.

3. The Kinsale Harbour Oyster Fishery Commissioners, hereinafter called "The Grantees," are hereby granted the right to have and exercise within the limits of the fishery and fishing grounds hereinafter described the exclusive right of depositing, propagating, dredging for and taking oysters and all such other powers, rights, and privileges in relation to such fisheries as are conferred by the Act 47 and 48 Vict., Cap. 48, upon the grantees of an oyster fishery thereunder, and shall be subject to the duties and obligations by said Act and this Order provided.

4. The limits and extent of the oyster fishery and fishing grounds the subject of this Order are so much of the Bandon River and the tidal creeks thereof as lies between Inishannon Bridge on the North, and on the South an imaginary line drawn from extreme low water of Hangman's Point due west across the mouth of the river to the eastern extreme of the townland of Ballynabooly.

5. The Grantees shall render annually to the Department of Agriculture and Technical Instruction for Ireland on the 1st day of June proper accounts of their expenditure and income under this Order and the information required by the said Department in reference to the subject matter of this Order, and shall permit any person appointed by the Department to inspect all books and documents relative to the fishery.

6. The Department of Agriculture and Technical Instruction for Ireland may revoke this Order if, in the opinion of the Department, the Grantees are neglecting to comply with their duties or obligations under the said Act 47 and 48 Vict., Cap. 48, or this Order.

7. Unless previously revoked this Order shall continue in operation for sixty years from its confirmation by the Lord Lieutenant in Council.

PROVIDED ALWAYS that nothing contained in the said Order shall extend to or shall be construed to extend, alienate, defeat, lessen, abridge or derogate from, or in any manner affect any estate, right, title, interest, franchise, royalty, prerogative, or jurisdiction vesting in or pertaining to the King's Most Excellent Majesty, His Heirs and Successors in right of His Crown or otherwise howsoever.

Dated this 25th day of September, 1918.

E. W. L. HOLT.

IN WITNESS whereof the Department of Agriculture and Technical Instruction for Ireland have hereunto set their Official Seal this 25th day of September, One Thousand Nine Hundred and Eighteen.

H. G. SMITH,
On behalf of the Secretary.

By the Lords Justices and Privy Council in Ireland.

ORDERED—That the said Order be, and the same is, hereby confirmed.

Given at the Council Chamber, Dublin Castle,
this 13th day of March, 1919.