SCOTTISH STATUTORY INSTRUMENTS

2004 No. 1

SEA FISHERIES

SHELLFISH

The Shetland Islands Regulated Fishery (Scotland) Variation Order 2004

Made - - - -	*8th January 2004*
Laid before the Scottish Parliament - - - -	*9th January 2004*
Coming into force - -	*31st January 2004*

Whereas an application for an Order to vary the Shetland Islands Regulated Fishery (Scotland) Order 1999(**1**) has been made to the Scottish Ministers under section 1 of the Sea Fisheries (Shellfish) Act 1967(**2**) by the Shetland Shellfish Management Organisation, a company limited by guarantee and having its registered office at Shetland Seafood Centre, Stewart Building, Lerwick, Shetland, ZE1 0LL ("the Organisation");

And whereas the Scottish Ministers have prepared a draft Order and served a copy of it on the Organisation in accordance with paragraph 1 of Schedule 1 to that Act;

And whereas the Organisation has caused printed copies of the draft Order to be published and circulated, and gave notice of the application, in accordance with paragraph 2 of that Schedule;

And whereas no objections have been received by the Scottish Ministers with respect to the proposed Order under paragraph 3 of that Schedule;

Now, therefore, the Scottish Ministers in exercise of the powers conferred by section 1 of, as read with Schedule 1 to, that Act, and of all other powers enabling them in that behalf, and with the consent of the Crown Estate Commissioners, hereby make the following Order:

(**1**) S.S.I. 1999/194.

(**2**) 1967 c. 83; section 1 was amended by the Sea Fisheries Act 1968 (c. 77) ("the 1968 Act"), section 15(2), (and is to be read with section 15(3) to (6) of the 1968 Act), the Fishery Limits Act 1976 (c. 86), Schedule 2, paragraph 15, and the Sea Fisheries (Shellfish) (Amendment) Act 1997 (c. 3), section 1; Schedule 1 was amended by the 1968 Act, section 15(7). Scallops and queens were specified for the purpose of section 1 by the Shellfish (Specification of Molluscs) Regulations 1987 (S.I.1987/218), and crabs, whelks and razorshells were specified for the same purpose by the Shellfish (Specification of Molluscs and Crustaceans) (Scotland) Regulations 1999 (S.S.I. 1999/139). The reference to the "appropriate Minister" in section 22(1) of the Sea Fisheries (Shellfish) Act 1967 is to be read as a reference to the Scottish Ministers by virtue of the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 42(10).

Citation and commencement

1. This Order may be cited as the Shetland Islands Regulated Fishery (Scotland) Variation Order 2004 and shall come into force on 31st January 2004.

Variation of the Shetland Islands Regulated Fishery (Scotland) Order 1999

2.—(1) The Shetland Islands Regulated Fishery (Scotland) Order 1999 shall be varied in accordance with paragraphs (2) and (3).

(2) In article 2 (interpretation)–

(a) for the definition of "the fishery" substitute—

> ""the fishery" means that part of the bed of the sea adjacent to the Shetland Islands which lies between the line of mean low water springs and a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured and which is illustrated and shown coloured yellow on the relevant map, with the exception of that part of the bed of the sea at Ura Firth extending to 19.888 hectares or thereby described in the Schedule to the Ura Firth, Shetland Scallops Several Fishery Order 2004(**3**) and which is illustrated and shown marked in red within the green circle on the relevant map;"; and

(b) for the definition of "the relevant map" substitute—

> ""the relevant map" means the map prepared in duplicate, each copy of which is signed by Ross Finnie, Minister for Environment and Rural Affairs, and marked "Map referred to in the Shetland Islands Regulated Fishery (Scotland) Variation Order 2004", one copy of which is deposited in the principal office of the Scottish Executive Environment and Rural Affairs Department at Pentland House, 47 Robb's Loan, Edinburgh, EH14 1TW and the other of which is deposited in the place of business of the Organisation.".

(3) In paragraph (1) of article 6 (tolls payable for fishing) for "Article 4" substitute "article 5".

St Andrew's House, Edinburgh
8th January 2004

ROSS FINNIE
A member of the Scottish Executive

(**3**) S.S.I. 2004/5.