SCOTTISH STATUTORY INSTRUMENTS

2002 No. 185

SEA FISHERIES

SHELLFISH

The Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery (Variation) Order 2002

Made - - - -	*10th April 2002*
Laid before the Scottish Parliament - - - -	*15th April 2002*
Coming into force - -	*7th May 2002*

Whereas an application for an Order to vary the Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 1997(**1**) has been made to the Scottish Ministers(**2**) under section 1 of the Sea Fisheries (Shellfish) Act 1967(**3**) by Mrs Jane Hardman or Grant ("the applicant");

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

And whereas 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;

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

Now, therefore, the Scottish Ministers in exercise of the powers conferred by sections 1 and 7(4)(a)(iii) 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:

Citation and commencement

1. This Order may be cited as the Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery (Variation) Order 2002 and shall come into force on 7th May 2002.

(**1**) S.I.1997/830.

(**2**) 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), article 4 and Schedule 2, paragraph 42(10).

(**3**) 1967 c. 83; section 1 was amended by the Sea Fisheries Act 1968 (c. 77), section 15(2) (and is to be read with section 15(3) to (6) of that Act), the Fisheries Limits Act 1976 (c. 86), section 9, Schedule 2, paragraph 15 and the Sea Fisheries (Shellfish) (Amendment) Act 1997 (c. 3), section 1; Schedule 1 was amended by the Sea Fisheries Act 1968, 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).

Variation of the principal Order

2.—(1) The Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 1997 shall be varied in accordance with the following paragraphs of this article.

(2) In article 1(2) (interpretation)–

(a) there shall be inserted after the definition of "the applicant"–

> ""creel" means a basket, small cage, pot, receptacle or container with one or more openings or entrances, which may be baited and is placed on the seabed for the purpose of catching shellfish;";

(b) the definition of "the definitive map" is omitted; and

(c) in the definition of "the fishery" the words "and shown coloured pink on the definitive map" are omitted.

(3) In article 2 (right of several fishery) for "a period of 10 years beginning on the date on which this Order comes into force" there shall be substituted "a period of 15 years beginning on the date on which the Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery (Variation) Order 2002 comes into force".

(4) After article 2 there shall be inserted the following articles:–

"**Restriction**

2A. The right of several fishery conferred by article 2 above is subject to the restriction that the harvesting of scallops shall be carried out manually by divers.

Permitted fishing implements

2B. For the purposes of section 7(4)(a)(iii) of the Sea Fisheries (Shellfish) Act 1967(**4**), a creel is specified as an implement of fishing the use of which is permitted within the fishery.".

(5) In article 3 (assignation) after "written consent" there shall be inserted "(which consent may be given in electronic form)".

(6) In article 5 (rights of the Crown)–

(a) in paragraph (1) the words "without the consent in writing of those Commissioners" shall be omitted; and

(b) paragraph (2) shall be omitted.

(7) For the Schedule (description of the fishery) there shall be substituted the Schedule set out in the Schedule to this Order.

St Andrew's House,Edinburgh
10th April 2002

ROSS FINNIE
A member of the Scottish Executive

(**4**) Section 7(4)(a)(iii) was inserted by the Sea Fisheries (Shellfish) Amendment (Scotland) Act 2000 asp 12.