SCOTTISH STATUTORY INSTRUMENTS

2000 No. 173

SEA FISHERIES
SHELLFISH

The Loch Moidart, North Channel, Scallop Several Fishery (Scotland) Order 2000

Made - - - -	*9th June 2000*
Laid before the Scottish Parliament - - - -	*13th June 2000*
Coming into force - -	*4th July 2000*

Whereas an application for an Order under section 1 of the Sea Fisheries (Shellfish) Act 1967(**1**) has been made to the Scottish Ministers(**2**), by the Sea Fish Industry Authority;

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 all in accordance with paragraph 2 of that Schedule;

And whereas no objections were made with respect to the draft Order;

Now therefore, the Scottish Ministers in exercise of the powers conferred on them by section 1 of, as read with Schedule 1 to the Sea Fisheries (Shellfish) Act 1967, 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 Moidart, North Channel, Scallop Several Fishery (Scotland) Order 2000 and shall come into force on 4th July 2000.

(**1**) 1967 c. 83; section 1 was amended by the Sea Fisheries Act 1968 (c. 77), section 15(2) and the Fishery Limits Act 1976 (c. 86), Schedule 2, paragraph 15, the Sea Fisheries (Shellfish) (Amendment) Act 1997 (c. 3), and is to be read with the Sea Fisheries Act 1968, section 15(3) to (5); 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 (S.I.1987/218).

(**2**) 1998 (c. 46). The Scottish Ministers are the "appropriate Minister" as defined in section 22(1) of the Sea Fisheries (Shellfish) Act 1967 as amended by the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) Schedule 2 paragraph 42(10).

Interpretation

2. In this Order–

"the applicant" means the Sea Fish Industry Authority, 18 Logie Mill, 18 Logie Green Road, Edinburgh, EH7 4HG;

"the grantee" means the applicant or such other person as is for the time being entitled to the right of several fishery conferred by this Order

"the definitive map" means the map prepared in duplicate, each copy of which is signed on behalf of the Scottish Ministers and marked "Map referred to in the Loch Moidart, North Channel, Scallop Several Fishery (Scotland) Order 2000", one such copy of which is deposited in the principal office of the Scottish Executive Rural Affairs Department at Pentland House, 47 Robb's Loan, Edinburgh EH14 1TW and the other such copy of which is deposited in the applicant's place of business at Seafish Aquaculture, Ardtoe, Acharacle, Argyll, PH36 4LD; and

"the fishery" means that part of the North Channel of Loch Moidart described in the Schedule to this Order and shown coloured pink on the definitive map.

Right of several fishery

3. Subject to the following provisions of this Order there is hereby conferred on the applicant for a period of 10 years beginning on the date on which this Order comes into force, the right of several fishery for scallops with respect to the whole of the area of the fishery.

Restriction on harvesting

4. The right of several fishery granted by article 3 is subject to the restriction that the harvesting of scallops shall be carried out manually by divers.

Assignation

5. The grantee shall not without the prior written consent of the Scottish Ministers assign or in any other way transfer the right of several fishery to any other person.

Marking of limits of fishery

6. The grantee shall cause to be clearly marked the limits of the fishery and shall maintain the marks in position and in good repair.

Rights of the Crown

7.—(1) Nothing in this Order shall affect prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained shall authorise the applicant to take, use, enter upon or in any manner interfere with any land, or interest in land, any rights of whatever description (including any portion of the shore or bed of the sea, or of any river channel, creek, bay or estuary) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners.

(2) A consent under paragraph (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

St Andrew's House,Edinburgh
9th June 2000

JOHN HOME ROBERTSON
Authorised to sign by the Scottish Ministers