

AQUACULTURE AND FISHERIES (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT

Part 6: General

Section 39 – Crown application

81. This section provides that the Act binds the Crown. Amendments to other Acts have the same application to the Crown as the other provisions of the Acts amended: for example, the Crown application of the 2003 Act is governed by section 67 of that Act. Subsections (2) and (3) provide that nothing in the Act renders the Crown criminally liable, but that the Court of Session may make a declaration, on the application of the Lord Advocate, of the unlawfulness of any contravention by the Crown of the Act's provisions.

Section 40 – Offences by bodies corporate etc.

82. This section means that where an offence is committed by a body corporate (such as a company), by a Scottish partnership or by an unincorporated association, certain officers of the body corporate, partners or managers of the association may in certain circumstances be held to have committed the offence and are liable to be proceeded against and punished accordingly.

Section 41 – Minor and consequential amendments

83. This section introduces the schedule to the Act, which contains minor and consequential amendments to other enactments.

Section 42 – Ancillary provision

84. This section permits the Scottish Ministers to make by order such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of this Act. It would permit amendments to be made to legislation which required to be amended in consequence of the provisions of the Act, but which had for whatever reason been omitted from the schedule.

Section 43 – Orders

85. This section specifies the Parliamentary process for Statutory Instruments made under this Act.