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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 185**

**SEA FISHERIES**

**SHELLFISH**

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

<i>Made</i>	- - - -	<i>10th April 2002</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>15th April 2002</i>
<i>Coming into force</i>	- -	<i>7th May 2002</i>

Whereas an application for an Order to vary the Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 1997<sup>(1)</sup> has been made to the Scottish Ministers<sup>(2)</sup> under section 1 of the Sea Fisheries (Shellfish) Act 1967<sup>(3)</sup> 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.

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(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

SCHEDULE

Article 2(7).

“SCHEDULE

Article 1(2)

DESCRIPTION OF THE FISHERY

That part of the bed of the sea in Loch Ewe, Wester Ross lying off the north-east shore of the Isle of Ewe, extending to 22.180 hectares or thereby and bounded as follows:– on or towards the north west by a straight line extending in a generally north east direction for 164.778 metres or thereby from a point at 57°50.481' latitude north and 5°37.318' longitude west to a point at 57°50.550' latitude north to a point at 5°37.200' longitude west then on or towards the north east by a straight line extending in a generally south east direction for 1119.848 metres or thereby to a point at 57°50.140' latitude north and 5°36.370' longitude west then on or towards the south east by a line extending in a south westerly direction for 99.983 metres or thereby to a point at 57°50.094' latitude north and 5°36.429' longitude west then on or towards the south west by a line following the line of mean low water springs in a generally north westerly direction to the point of beginning.”

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order varies the Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 1997 by–

- (a) extending the period for which the right of several fishery in Loch Ewe, Wester Ross is granted to Mrs Jane Hardman or Grant (“the applicant”) (article 2(3));
- (b) requiring the harvesting of scallops within the fishery to be carried out manually by divers (article 2(4));
- (c) specifying a creel as an implement of fishing the use of which is permitted within the fishery (article 2(2) and (4));
- (d) enabling the Scottish Ministers to give their consent to the assignment or other transfer of the right of several fishery in electronic form (article 2(5)); and
- (e) amending the description of the fishery (article 2(7) and the Schedule).

The new area of the several fishery is shown on an indicative map, a copy of which is held by the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TW and by the applicant at No 2 Isle-Ewe, Aultbea, Ross-shire IV22 2JW. A representation of the indicative map is appended to this note for illustrative purposes.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

