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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 249 (C. 16)**

**AQUACULTURE  
FISHERIES  
FISH FARMING  
RIVER  
SALMON AND FRESHWATER FISHERIES  
SEA FISHERIES  
SHELLFISH  
TOWN AND COUNTRY PLANNING**

The Aquaculture and Fisheries (Scotland) Act 2013  
(Commencement and Transitional Provisions) Order 2013

<i>Made</i>	- - - -	<i>23rd August 2013</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>28th August 2013</i>
<i>Coming into force</i>	- -	<i>16th September 2013</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 66(2) and (3) of the Aquaculture and Fisheries (Scotland) Act 2013<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Aquaculture and Fisheries (Scotland) Act 2013 (Commencement and Transitional Provisions) Order 2013 and comes into force on 16th September 2013.

(2) In this Order “the Act” means the Aquaculture and Fisheries (Scotland) Act 2013.

### **Appointed day**

2. The day appointed for the coming into force of the provisions of the Act, in so far as they are not already in force, is 16th September 2013.

### **Transitional provisions**

3. Section 4A of the Inshore Fishing (Scotland) Act 1984<sup>(2)</sup> (contravention of orders prohibiting inshore sea fishing: presumption) does not apply to proceedings against a person where the offence under section 4(1) of that Act was committed prior to 16th September 2013.

4. Section 3A of the Sea Fisheries (Shellfish) Act 1967<sup>(3)</sup> (contravention of regulated fishery orders: presumption) does not apply to proceedings against a person where the offence under section 3(3) of that Act was committed prior to 16th September 2013.

St Andrew's House,  
Edinburgh  
23rd August 2013

*PAUL WHEELHOUSE*  
Authorised to sign by the Scottish Ministers

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(2) 1984 c.26. Section 4A is introduced by section 49(3) of the Act.  
(3) 1967 c.83. Section 3A is introduced by section 56(3) of the Act.

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## EXPLANATORY NOTE

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

This Order appoints 16th September 2013 as the day on which the remaining provisions of the Aquaculture and Fisheries (Scotland) Act 2013 (“the Act”) come into force. Sections 4 (meaning of “wellboat”), 22 (interpretation of Part 1, Chapter 3) and 53 (interpretation of Part 3) and Part 6 (general) came into force on the day after Royal Assent, which was granted on 18th June 2013.

Articles 3 and 4 make transitional provision in respect of sections 49(3) and 56(3) of the Act which, respectively, insert new section 4A into the Inshore Fishing (Scotland) Act 1984 and new section 3A into the Sea Fisheries (Shellfish) Act 1967. Those provisions apply in respect of criminal proceedings under those Acts and allow the court to infer that an offence has been committed where certain facts are proved. The effect of articles 3 and 4 of this Order is to apply those new provisions only in respect of offences which have been committed on or after the appointed day.