SCOTTISH STATUTORY INSTRUMENTS

2002 No. 185

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

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(**1**), 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.

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

Status: *This is the original version (as it was originally made).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