

STATUTORY INSTRUMENTS

1978 No. 560 (S.51)

SEA FISHERIES

SHELLFISH

**The Molluscan Shellfish (Control of Deposit) (Scotland)
Order 1978***Made* - - - - 10th April 1978*Coming into operation* 15th April 1978

The Secretary of State, in exercise of the powers conferred on him by section 12 of the Sea Fisheries (Shellfish) Act 1967(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Molluscan Shellfish (Control of Deposit) (Scotland) Order 1978 and shall come into operation on 15th April 1978.

Interpretation

2.—(1) In this order:—

“molluscan shellfish” means shellfish being molluscs of any kind and includes any part of such shellfish and any (or any part of any) brood, ware, half ware or spat of such shellfish and any spawn of such shellfish and the shell or any part of the shell of such shellfish;

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament and as if this order and the order hereby revoked were Acts of Parliament.

Revocation of previous order

3. The Molluscan Shellfish (Control of Deposit) (Scotland) Order 1965(c) is hereby revoked.

Designation of waters and land

4.—(1) The following areas of water are hereby designated for the purposes of this Order, that is to say:—

(a) All tidal waters (whether forming part of the sea or not) within the seaward limits of territorial waters and lying within the Firth of Forth to the west of a line drawn between Gullane Point and Elie Ness; the whole area of the Linne Mhuirich in Strathclyde Region; those parts of the Firth of Clyde, together with all sea lochs which flow into it, and including the whole of the Island of Inchmarnock which lie within a line drawn between Ardlamont Point and the Heads of Ayr: and those parts of Loch Ryan in Dumfries and Galloway Region, which lie within a line drawn between Finnart Point and Milleur Point.

(b) All tidal waters (whether forming part of the sea or not) within the seaward limits of territorial waters adjacent to Scotland and not forming part of the waters designated in paragraph (a) above.

(a) 1967 c. 83.

(b) 1889 c. 63.

(c) S.I. 1965/1992.

(2) The following areas of land are hereby designated for the purposes of this order, that is to say:—

- (a) the land comprising the foreshore adjacent to the waters designated in paragraph (1)(a) above and all land adjacent to such waters comprising shellfish cleansing and storing establishments, shellfish hatcheries, shellfish pits and shellfish ponds.
- (b) the land comprising the foreshore adjacent to the waters designated in paragraph (1)(b) above and all land adjacent to such waters comprising shellfish cleansing and storing establishments, shellfish hatcheries, shellfish pits and shellfish ponds.

Prohibition

5.—(1) The deposit of any molluscan shellfish in the areas of water or upon land designated in articles 4(1)(a) and (b) and (2)(a) and (b) of this order being shellfish taken from any shellfish bed outwith such waters or land is hereby prohibited.

(2) The deposit of any molluscan shellfish in the areas of water or upon land designated in articles 4(1)(b) and (2)(b) of this order being shellfish taken from any shellfish bed within the waters or land designated in articles 4(1)(a) and (2)(a) of this order is hereby prohibited.

Exemptions

6. The prohibitions imposed by this order shall not apply to the case of any molluscan shellfish which are deposited under the authority of a licence granted by the Secretary of State and in compliance with the conditions (if any) specified in that licence.

Given under the seal of the Secretary of State for Scotland.

Department of Agriculture and Fisheries
for Scotland,
New St. Andrew's House,
Edinburgh.
10th April 1978.

H. G. Robertson,
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order designates two areas of tidal waters within the seaward limits of territorial waters adjacent to Scotland and prohibits the deposit (1) in the totality of the two designated areas of molluscan shellfish taken from a shellfish bed outside those areas and also (2) in the area second designated of molluscan shellfish taken from a shellfish bed in the area first designated except under the authority of and in compliance with any conditions specified in a licence granted by the Secretary of State. The Order also designates certain lands adjacent to the designated waters and the prohibitions imposed by the Order are applied also to the deposit of molluscan shellfish on those lands.

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