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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 268**

**The Town and Country Planning (Marine  
Fish Farming) (Scotland) Order 2007**

**Application of 1997 Act and subordinate legislation**

**3.—**(1) Part 2 of the 1997 Act shall apply to marine waters only for the purposes of the preparation of the development plan for an area in connection with fish farm development.

(2) The following provisions of the 1997 Act shall not apply in connection with fish farm development—

- (a) section 59;
- (b) Part 5;
- (c) section 159; and
- (d) Part 8.

(3) For the purposes of the application of the 1997 Act, and any enactment made or to be treated as having been made thereunder in connection with fish farm development, unless otherwise provided or unless the context otherwise requires, a reference in any enactment, instrument or document—

- (a) to the district or the area of a planning authority shall include the marine planning zone in respect of which that authority is the planning authority by virtue of article 5(1) and shall, when functions under the 1997 Act are exercisable by a National Park authority, include the National Park for which that authority is the National Park authority and also the marine planning zone in respect of which that authority has functions by virtue of article 5(2);
- (b) to a planning authority shall when functions are exercisable by a National Parks authority, be read as including a reference to that National Parks authority; and
- (c) to “land” shall, other than in section 26(1), (6) and (6AA) of the 1997 Act, be treated as including marine waters and the sea-bed beneath such waters.

(4) Any offence under the 1997 Act committed in respect of fish farm development in marine waters beyond the ordinary jurisdiction of any sheriff shall be held to have been committed within the sheriffdom nearest to such waters and may be tried and punished accordingly.