

*Changes to legislation:* There are currently no known outstanding effects for the  
Sea Fisheries (Shellfish) Act 1967, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1 Section 1.

PROVISIONS WITH RESPECT TO MAKING OF ORDERS UNDER SECTION 1

- 1      Where an application for an order under section 1 of this Act is made to the appropriate Minister, that Minister may either refuse the application or prepare a draft order and serve a copy of it on the applicants.
- 2      Where a draft order is prepared and a copy thereof served on the applicants under paragraph 1 above, the applicants shall cause printed copies of the draft order to be published and circulated in such manner as the appropriate Minister thinks sufficient and proper for giving information to all parties interested, and shall give notice of the application, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the proposed order relates and of the lands adjoining thereto.
- 3      During the period of one month after the first publication of the draft order under paragraph 2 above, the appropriate Minister shall receive any objections or representations made to him in writing respecting the proposed order.
- 4      <sup>F1</sup>(1) . . . . .  
              (2)

**Textual Amendments**

F1

Sch. 1 para. 4(1) repealed (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#) , ss. 214(2)(a) , 324(3) , **Sch. 22 Pt. 5A** (with s. 214(5) ) ; S.I. 2009/3345 , art. 2 , Sch. paras. 9 , 27(b) and said amendment extended to S. (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#) , **ss. 161(1)(4)** , 168(1) (with s. 162 ) ; S.S.I. 2011/58 , **art. 2(a)** (with art. 4 )

F2

Words in Sch. 1 para. 4(2) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#) , **ss. 214(2)(b)** , 324(3) (with s. 214(5) ) ; S.I. 2009/3345 , art. 2 , Sch. para. 9

F3

Words in Sch. 1 para. 4(2) substituted (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#) , **ss. 161(5)** , 168(1) (with s. 162 ) ; S.S.I. 2011/58 , **art. 2(a)**

F4

Words in Sch. 1 para. 4(2) substituted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#) , **ss. 58(1)(a)** , 66(2) (with ss. 58(2) , 65 ) ; S.S.I. 2013/249 , art. 2

F5

Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#) , **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#) , **s. 289G**

F6

Words substituted by [Sea Fisheries Act 1968 \(c. 77\)](#) , **s. 15(7)**

<sup>F7</sup>5 . . . . .

**Textual Amendments**

F7

Sch. 1 para. 5 repealed (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#) , ss. 214(3), 324(3) , **Sch. 22 Pts. 5(A)** (with s. 214(5) ) ; S.I. 2009/3345 , art. 2 , Sch. para. 9Sch. para. 27(b) and said

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amendment extended to S. (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 161(1)(4), 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a) (with art. 4)

- 6 [F<sup>8</sup>(1)] As soon as [F<sup>9</sup>conveniently may be[F<sup>9</sup>reasonably practicable]] after the expiration of the period of one month referred to in paragraph 3 above or[F<sup>10</sup> , in a case where an inspector has been appointed under paragraph 4 above, ] after the receipt by the appropriate Minister of any report of the inspector under paragraph 4(7) above, that Minister shall, after considering the objections or representations, if any, that have been made with respect to the proposed order and any such report, either refuse the application or settle and make an order in such form and containing such provisions as he thinks expedient.
- [F<sup>11</sup>(2) Where the proposed order relates to any portion of the sea shore belonging to Her Majesty in right of the Crown, the appropriate Minister shall also have regard to the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961 [F<sup>12</sup>or, if the portion of the sea shore is part of the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies, the powers and duties of the person who has the management of that portion] .]

#### Textual Amendments

- F8** Sch. 1 para. 6(1): Sch. 1 para. 6 renumbered as Sch. 1 para. 6(1) (12.1.2010 for E.W. and 24.2.2011 for S.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 202(4)(a), 324(3)**; [S.I. 2009/3345](#), art. 2, [Sch. para. 9](#); Marine (Scotland) Act 2010 asp 5, ss. 160(3)(a), 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a) (with art. 4)
- F9** Words in Sch. 1 para. 6(1) substituted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 58(1)(b), 66(2)** (with ss. 58(2), 65); S.S.I. 2013/249, art. 2
- F10** Words in Sch. 1 para. 6 inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 214(4), 324(3)** (with s. 214(5)); [S.I. 2009/3345](#), art. 2, [Sch. para. 9](#) and said amendment extended to S. (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 161(1)(4), 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a) (with art. 4)
- F11** Sch. 1 para. 6(2) inserted (12.11.2009 for E.W. for specified purposes and 24.2.2011 for S.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 202(4)(b), 324(1)(c), 324(1)(d)**; Marine (Scotland) Act 2010 asp 5, ss. 160(3)(a), 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a) (with art. 4)
- F12** Words in [Sch. 1 para. 6\(2\)](#) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 13**

- 7 Where the appropriate Minister makes an order under section 1 of this Act, the applicants for the order shall cause notice of the making of the order to be published in such manner as that Minister thinks sufficient for giving information to all parties interested and shall give notice of the making of the order, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the order relates and of the lands adjoining thereto.
- 8 All expenses incurred by the appropriate Minister in relation to any application for an order under section 1 of this Act or to any order made in consequence thereof shall be defrayed by the applicants; and the appropriate Minister shall, if he thinks fit, on or at any time after the making of the application, require the applicants to pay to him such sum as he thinks requisite for or on account of those expenses, or to give security to his satisfaction for the payment of those expenses on demand.

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