
STATUTORY INSTRUMENTS

1990 No. 884 (S.117)

SEA FISHERIES

SHELLFISH

The Loch Moidart, North Channel Scallops Fishery Order 1990

<i>Made</i>	- - - -	<i>4th April 1990</i>
<i>Laid before Parliament</i>		<i>19th April 1990</i>
<i>Coming into force</i>	- -	<i>14th May 1990</i>

Whereas an application for an order under section 1 of the Sea Fisheries (Shellfish) Act 1967⁽¹⁾ has been made to the Secretary of State by the Sea Fish Industry Authority;

And whereas the Secretary of State has prepared a draft order and has served a copy of it on the applicant in accordance with paragraph 1 of Schedule 1 to that Act;

And whereas the applicant has caused printed copies of the draft order to be published and circulated and has given notice of the application, in accordance with paragraph 2 of that Schedule;

And whereas no objections have been made with respect to the proposed order and the representations made with respect thereto have been withdrawn;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 1, as read with section 2(1), and section 7(5)(a) of that Act and of all other powers enabling him in that behalf, and with the consent of the Crown Estate Commissioners, hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Loch Moidart, North Channel Scallops Fishery Order 1990 and shall come into force on 14th May 1990.

(2) In this Order—

“the applicant” means the Sea Fish Industry Authority established under the Fisheries Act 1981⁽²⁾ and having their head office at Sea Fisheries House, 10 Young Street, Edinburgh;

“the definitive map” means the map prepared in duplicate, each copy of which is signed by the Secretary of State and marked “Map referred to in the Loch Moidart, North Channel

(1) 1967 c. 83; section 1 was amended by the Sea Fisheries Act 1968 (c. 77), section 15(2) and the Fisheries Limits Act 1976 (c. 86), Schedule 2, paragraph 15, and is to be read with the Sea Fisheries Act 1968, section 15(3) to (5); Schedule 1 was amended by the Sea Fisheries Act 1968, section 15(7). Scallops and queens were specified for the purpose of section 1 by the Shellfish (Specification of Molluscs) Regulations 1987 (S.I.1987/218).

(2) 1981 c. 29.

Scallops Fishery Order 1990”, one such copy of which is deposited in the principal office of the Department of Agriculture and Fisheries for Scotland at Pentland House, 47 Robb’s Loan, Edinburgh and the other such copy of which is deposited in the head office of the applicant at Sea Fisheries House, 10 Young Street, Edinburgh;

“the fishery” means that part of the North Channel of Loch Moidart in Highland Region described in the Schedule to this Order and shown coloured pink on the definitive map.

Right of several fishery

2. There is hereby conferred on the applicant for a period of 10 years beginning on the date when this Order comes into force the right of several fishery for scallops with respect to the whole of the area of the fishery.

Marking of limits of fishery

3. The applicant shall cause to be clearly marked the limits of the fishery and shall maintain the marks in position and in good repair.

Rights of the Crown

4. Nothing in this Order shall, except with the consent in writing of the Crown Estate Commissioners, affect prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular nothing in this Order shall authorise the applicant to take, use, or in any manner interfere with any land or rights, including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or of any land, hereditament, subjects or rights, of whatever description belonging to Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners.

St. Andrew’s House,
Edinburgh
4th April 1990

Sanderson of Bowden
Minister of State, Scottish Office

SCHEDULE

Article 1(2)

Description of the fishery

That part of the sea shore in the North Channel of Loch Moidart in Highland Region comprising the bed of the sea below mean low water springs extending to 100 hectares or thereby and bounded as follows: on the north by a straight line two hundred and seven metres in length extending from a point on the coast of An Glas-eilean at O.S. Grid Reference NM 6353 7620 in an easterly direction to a point on the west coast of Eilean Coille at O.S. Grid Reference NM 6373 7620; thence following the line of mean low water springs on the south coast of Eilean Coille to a point at O.S. Grid Reference NM 6394 7620; thence by a straight line one hundred and ninety four metres in length extending in an easterly direction to a point on the mainland at O.S. Grid Reference NM 6414 7620; thence on the east and north east by the line of mean low water springs on the mainland coast to a point at O.S. Grid Reference NM 6474 7519; thence on the east-south-east by a straight line sixty two metres in length extending in a south south westerly direction to a point on Eilean Shona at O.S. Grid Reference NM 6472 7513; thence on the south east, south west, west south west and south by the line of mean low water springs on the north coast of Eilean Shona to a point at O.S. Grid Reference NM 6326 7545; thence on the west south west by a straight line one hundred and thirty seven metres in length extending in a north westerly direction to a point at O.S. Grid Reference NM 6321 7558 on the south coast of Sgeir (South) Dubha Fhiadhach; thence on the west by the line of mean low water springs on the east coast of Sgeir (South) Dubha Fhiadhach to a point on the north coast of Sgeir (South) Dubha Fhiadhach at O.S. Grid Reference NM 6318 7571; thence on the west-north-west by a straight line two hundred and seven metres in length extending in a north north easterly direction to a point at O.S. Grid Reference NM 6322 7591 on the south west coast of Sgeir (North) Dubha Fhiadhach; thence on the north and west by the line of mean low water springs on the south and east coasts of Sgeir (North) Dubha Fhiadhach to a point on the east coast of Sgeir (North) Dubha Fhiadhach at O.S. Grid Reference NM 6329 7600; and thence on the north west by a straight line three hundred and eighteen metres in length extending in a north easterly direction to the above mentioned point on the coast of An Glas-eilean.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on the Sea Fish Industry Authority (“the Authority”) for a period of 10 years from the date the Order comes into force, the right of several fishery for scallops in a specified area of the North Channel, Loch Moidart, Highland Region (Article 2).

By virtue of section 2 of the Sea Fisheries (Shellfish) Act 1967 and the grant of several fishery under the Order, the Authority have, within the limits of the fishery described in the Schedule to the Order, the exclusive right to deposit, propagate, dredge, fish for and take scallops which, under section 7 of that Act, are the absolute property of the Authority. Within those limits the Authority also have certain other rights relating to scallop beds and the collection, relocation, storage and disposal of scallops.

Article 3 of the Order requires the Authority to mark and maintain the markings of the limits of the fishery. Article 4 provides that the Order will not prejudicially affect the rights of the Crown except with the Crown’s consent.

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

The situation and extent of the several fishery are shown on the definitive map described in article 1(2) of the Order. The definitive map is available for inspection at the Harbour Offices, Mallaig; Acharacle Post Office, Acharacle, Highland Region; the offices of the Sea Fish Industry Authority at 10 Young Street, Edinburgh, and at the offices of the Department of Agriculture and Fisheries for Scotland at Pentland House, 47 Robb's Loan, Edinburgh.