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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 5**

**The Ura Firth, Shetland Scallops Several Fishery Order 2004**

**Citation and commencement**

1. This Order may be cited as the Ura Firth, Shetland Scallops Several Fishery Order 2004 and shall come into force on 31st January 2004.

**Interpretation**

2. In this Order—

“the applicant” means Ben Wilcock, Northmavine Shellfish, The Smithy, Hillwick, Shetland, ZE2 9RW;

“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;

“the grantee” means the applicant or such other person as is for the time being entitled to the right of several fishery conferred by this Order;

“the fishery” means that part of Ura Firth, Shetland described in the Schedule to this Order.

**Right of several fishery**

3. Subject to the following provisions of this Order, there is hereby conferred on the applicant for a period of 10 years beginning on the date on which this Order comes into force, the right of several fishery for scallops with respect to the whole of the area of the fishery.

**Restriction on harvesting**

4. The right of several fishery conferred by article 3 is subject to the restriction that the harvesting of scallops shall be carried out manually by divers.

**Permitted fishing implements**

5. For the purposes of section 7(4)(a)(iii) of the Sea Fisheries (Shellfish) Act 1967, a creel is specified as an implement of fishing the use of which is permitted within the fishery.

**Assignment**

6. The grantee shall not without the prior written consent of the Scottish Ministers (which consent may be given in electronic form) assign or in any other way transfer the right of several fishery to any other person.

**Marking of limits of fishery**

7. The grantee shall cause to be clearly marked the limits of the fishery on the bed and on the surface of the sea and shall maintain the marks in position and in good repair.

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**Status:** This is the original version (as it was originally made).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

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### **Rights of the Crown**

8. Nothing in this Order shall affect prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained shall authorise the applicant to take, use, enter upon or in any manner interfere with any land, or interest in land, or any rights of whatever description (including any portion of the shore or bed of the sea, or of any river channel, creek, bay or estuary) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners.

St Andrew's House, Edinburgh  
8th January 2004

*ROSS FINNIE*  
A member of the Scottish Executive