
STATUTORY INSTRUMENTS

1994 No. 1946 (S.86)

SEA FISHERIES

SHELLFISH

The Loch Ewe, West Ross, Scallops Fishery Order 1994

<i>Made</i>	- - - -	<i>14th July 1994</i>
<i>Laid before Parliament</i>		<i>27th July 1994</i>
<i>Coming into force</i>	- -	<i>17th August 1994</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, the appropriate Minister⁽²⁾, 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⁽³⁾ 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 objections were received by the Secretary of State under paragraph 3 of that Schedule which he considered to be neither frivolous nor irrelevant and which were not withdrawn;

And whereas the Secretary of State appointed an inspector respecting the proposed order in accordance with paragraph 4⁽²⁾ of that Schedule and the inspector made an inquiry, held a sitting in accordance with paragraph 4⁽³⁾ thereof and made a report to the Secretary of State in accordance with paragraph 4⁽⁷⁾ of that Schedule stating that in his opinion the proposed order should be made;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by section 1 of, as read with Schedule 1 to, 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:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Loch Ewe, West Ross, Scallops Fishery Order 1994 and shall come into force on 17th August 1994.

(2) In this Order—

(1) 1967 c. 83; section 1 was amended by the Sea Fisheries Act 1968 (c. 77), section 15(2) and the Fishery 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); scallops and queens were specified for the purpose of section 1 by the Shellfish (Specification of Molluscs) Regulations 1987 (S.I.1987/218).
(2) The “appropriate Minister” is defined in section 22(1) of the Sea Fisheries (Shellfish) Act 1967.
(3) Schedule 1 was amended by the Sea Fisheries Act 1968, section 15(7).

“the applicant” means the Sea Fish Industry Authority established under the Fisheries Act 1981(4) and having its head office at 18 Logie Mill, Logie Green Road, Edinburgh, EH7 4HG;

“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 Ewe, West Ross, Scallops Fishery Order 1994”, one such copy of which is deposited in the principal office of the Scottish Office Agriculture and Fisheries Department at Pentland House, 47 Robb’s Loan, Edinburgh and the other such copy of which is deposited in the principal office of the applicant at 18 Logie Mill, Logie Green Road, Edinburgh, EH7 4HG;

“the fishery” means that part of the bed of the sea in Loch Ewe, West Ross, in Highland Region described in the Schedule to this Order and shown coloured pink on the definitive map.

Right of several fishery

2. 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 when this Order comes into force, the right of several fishery for scallops with respect to the whole of the area of the fishery.

Assignment

3. The applicant shall not without the written consent of the Secretary of State assign the right of several fishery.

Marking of limits of fishery

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

Rights of the Crown

5.—(1) 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 without the consent in writing of those Commissioners.

(2) A consent under paragraph (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

St. Andrew’s House,
Edinburgh
14th July 1994

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE

Article 1(2)

Description of the fishery

That part of the bed of the sea in Loch Ewe, West Ross, Highland Region lying on the west side of Loch Ewe and to the south west of the Isle of Ewe extending to 147.710 hectares or thereby and bounded as follows:— on or towards the north by a straight line 280 metres or thereby in length extending in an easterly direction from a point at 57° 49.22' North latitude and 05° 39.03' West longitude to a point at 57° 49.22' North latitude and 05° 38.75' West longitude; thence on or towards the east by a straight line 240 metres or thereby in length extending in a southerly direction to a point at 57° 49.08' North latitude and 05° 38.77' West longitude; thence on or towards the north east by a straight line 260 metres or thereby in length extending in a south easterly direction to a point at 57° 49.00' North latitude and 05° 38.57' West longitude; thence on or towards the east north east by a straight line 360 metres or thereby in length extending in an southerly direction to a point at 57° 48.80' North latitude and 05° 38.50' West longitude; thence on or towards the east by a straight line 1,340 metres or thereby in length extending in a southerly direction to a point at 57° 48.08' North latitude and 05° 38.48' West longitude; thence on or towards the south by a straight line 770 metres or thereby in length extending in a westerly direction to a point at 57° 48.08' North latitude and 05° 39.27' West longitude; thence on or towards the west by a straight line 1,700 metres or thereby in length extending in a northerly direction to a point at 57° 49.00' North latitude and 05° 39.27' West longitude; and thence on or towards the north west by a straight line 465 metres or thereby in length extending in a north northeasterly direction to the point at 57° 49.22' North latitude and 05° 39.03' West longitude aforesaid.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on the Sea Fish Industry Authority (“the applicant”) for a period of 10 years the right of several fishery for scallops in a specified area of sea in Loch Ewe, West Ross, Highland Region (article 2). The applicant may not assign that right without the consent of the Secretary of State (article 3).

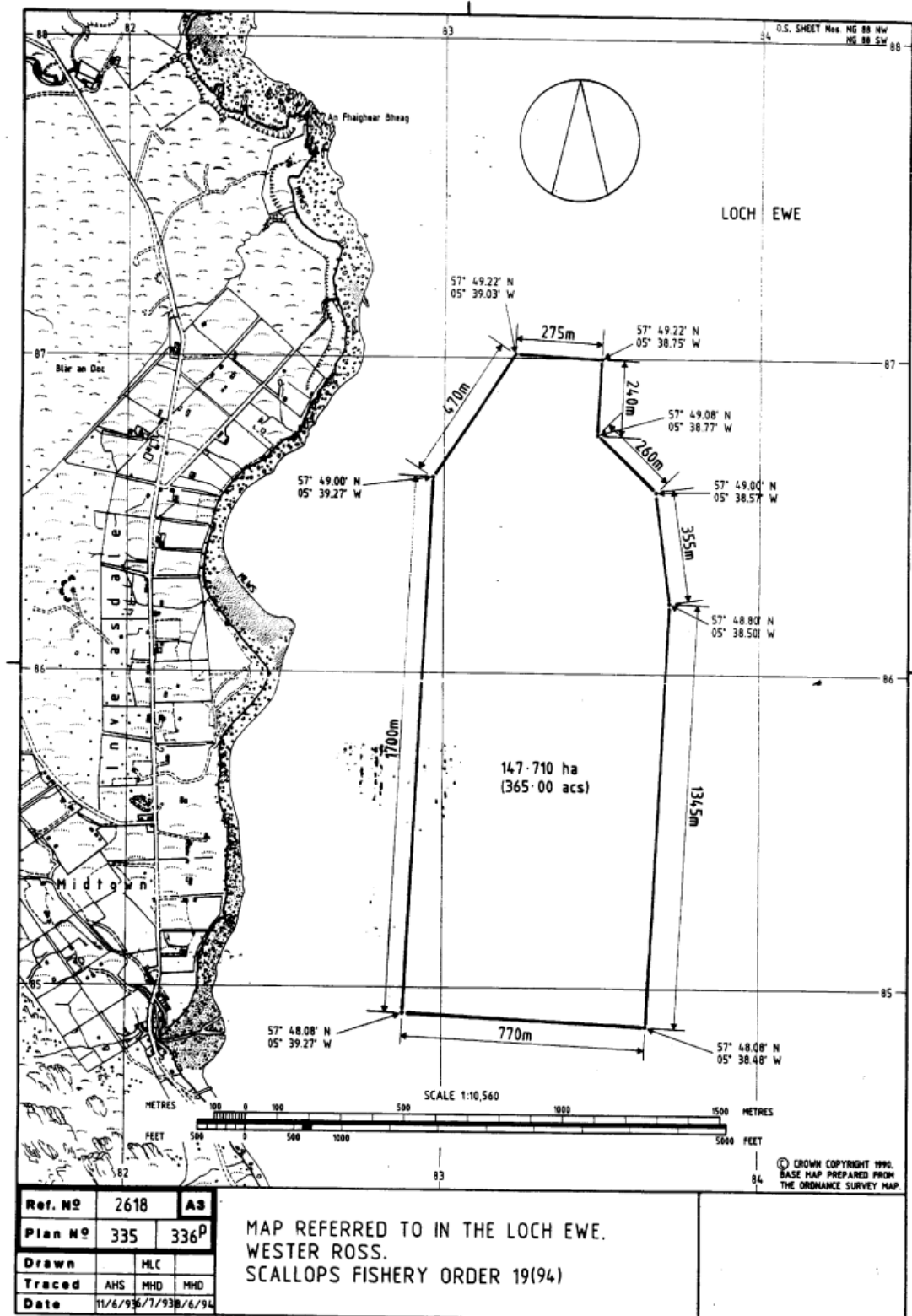
By virtue of section 2 of the Sea Fisheries (Shellfish) Act 1967 and the grant of several fishery by the Order, the applicant has, within the limits of the fishery described in the Schedule to the Order, the exclusive right to deposit, propagate, dredge, fish for and take scallops which, under section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

The Order requires the applicant to mark and maintain the markings of the limits of the fishery (article 4).

The Order will not prejudicially affect the rights of the Crown except with the Crown’s consent (article 5).

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 offices of the Sea Fish Industry Authority at 18 Logie Mill, Logie Green Road, Edinburgh, EH7 4HG and at the offices of the Scottish Office Agriculture and Fisheries Department at Pentland House, 47 Robb’s Loan, Edinburgh.

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