
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 443

SEA FISHERIES

The Shetland Islands Regulated Fishery (Scotland) Order 2009

Made - - - - 17th December 2009
Laid before the Scottish Parliament - - - - 18th December 2009
Coming into force - - 31st January 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by section 1 of the Sea Fisheries (Shellfish) Act 1967(1) (as read with sections 3 and 4 of, and Schedule 1 to, that Act and with section 15(3) to (5) of the Sea Fisheries Act 1968(2)) and all other powers enabling them to do so.

In accordance with section 1(4) of the Sea Fisheries (Shellfish) Act 1967 they have consulted with and have obtained the consent of the Crown Estate Commissioners(3).

In accordance with paragraph 1 of Schedule 1 to that Act, they have prepared a draft of this Order and served a copy of it on the Shetland Shellfish Management Organisation.

In accordance with paragraph 2 of that Schedule, that Organisation caused the draft to be published and circulated and gave notice of the application.

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- (1) 1967 c.83 (“the 1967 Act”). Section 1 was amended by the Sea Fisheries Act 1968 (c.77) (“the 1968 Act”), section 15(2); the Fishery Limits Act 1976 (c.86), section 9 and Schedule 2, paragraph 15; the Sea Fisheries (Shellfish) (Amendment) Act 1997 (c.3), section 1; and by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), article 4 and Schedule 21, paragraph 42(2)(a) and (b). Schedule 1 of the 1967 Act was amended by the 1968 Act, section 15(7). The reference to the “appropriate Minister” in section 22(1) of the 1967 Act is to be read as a reference to the Scottish Ministers by virtue of S.I. 1999/1820, Schedule 2, paragraph 42(10).
- (2) 1968 c.77. Section 15 of the Sea Fisheries Act 1968 was amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), section 98(3). These amendments modify the effect of sections 3(1), 4A(1) and 4B(1) of the Sea Fisheries (Shellfish) Act 1967 as regards Scotland.
- (3) The consent of the Crown Estate Commissioners is required in terms of section 1(4) of the Sea Fisheries (Shellfish) Act 1967, where an order under section 1 of that Act is to be made with respect to any portion of the sea shore which belongs to Her Majesty in right of the Crown, as is the case here.