
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 348

SEA FISHERIES

The Shetland Islands Regulated Fishery (Scotland) Order 2012

Made - - - - - *13th December 2012*
Laid before the Scottish
Parliament - - - - - *17th December 2012*
Coming into force - - - - - *1st February 2013*

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 paragraphs 1, 3 and 6 of Schedule 1 to the Sea Fisheries (Shellfish) Act 1967, they have prepared a draft of this Order, served a copy of it on the Shetland Shellfish Management Organisation, considered representations made in writing in respect of the draft of this Order and had regard to the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961(3).

In accordance with paragraph 2 of that Schedule, the Shetland Shellfish Management Organisation caused a draft of this Order 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; the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), article 4 and Schedule 2, paragraph 42(2)(a) and (b); and the Marine (Scotland) Act 2010 (asp 5) (“the 2010 Act”), sections 160(1) and (2) and 161(2). Section 3 was amended by the Aquaculture and Fisheries (Scotland) Act 2007 (asp 12) (“the 2007 Act”), section 32(1) and the 2010 Act, section 161(1)(a) to (c). Section 4 was amended by the 2007 Act, section 32(2) and the 2010 Act, section 161(1)(h). Schedule 1 to the 1967 Act was amended by the 1968 Act, section 15(7) and by the 2010 Act, sections 160(3), 161(1)(g) and (h) and 161(5). 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 was amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), section 98(3), which amendments modify the effect of sections 3(1), 4A(1) and 4B(1) of the 1967 Act as regards Scotland; and the 2010 Act, schedule 4, Part 3, paragraph 10.
- (3) 1961 c.55. Paragraph 6(2) of Schedule 1 to the 1967 Act was inserted by the 2010 Act, section 160(3), and requires the Scottish Ministers to have regard to the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961 where a proposed Order under section 1 of the 1967 Act relates to any portion of the sea shore which belongs to Her Majesty in right of the Crown, as is the case here. “Sea shore” is described in section 1(1) of the 1967 Act, as read with section 1(1A).