
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 280

**The Loch Sligachan, Isle of Skye,
Scallops Several Fishery Order 2013**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Loch Sligachan, Isle of Skye, Scallops Several Fishery Order 2013 and comes into force on 16th November 2013.

(2) In this Order—

“the applicant” means David Neil Oakes, having a place of business at Oakes Marine, Old Mission House, Sconser, Isle of Skye, IV48 8TD;

“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 definitive map” means the map prepared in duplicate, each copy of which is signed by Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment, and marked “Map referred to in the Loch Sligachan, Isle of Skye, Scallops Several Fishery Order 2013”, one copy of which is deposited in the principal office of Marine Scotland, Victoria Quay, Leith, Edinburgh, EH6 6QQ and the other of which is deposited in the applicant’s place of business at Oakes Marine, Old Mission House, Sconser, Isle of Skye, IV48 8TD; and

“the fishery” means that part of the bed of the sea in Loch Sligachan, Isle of Skye, described in the Schedule to this Order and shown hatched in grey on the definitive map.

Right of several fishery

2. Subject to the following provisions of this Order, the right of several fishery for scallops with respect to the whole of the area of the fishery is conferred on the applicant until 16th November 2028.

Restriction on harvesting

3. The right of several fishery granted by article 2 is subject to the restriction that the harvesting of scallops must be carried out manually by divers.

Permitted fishing implements

4. For the purposes of section 7(4)(a)(iii)(1) of the Sea Fisheries (Shellfish) Act 1967 (protection of fisheries: offences), a creel is specified as an implement of fishing the use of which is permitted within the fishery.

Assignment

5. The grantee must 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

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

Rights of the Crown

7. 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 in this Order authorises the applicant to take, use, enter upon or in any manner interfere with any land, or interest in land, 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 the Crown and under the management of the Crown Estate Commissioners.

St Andrew's House,
Edinburgh
24th September 2013

RICHARD LOCHHEAD
A member of the Scottish Government