
STATUTORY INSTRUMENTS

1993 No. 177 (S.12)

SEA FISHERIES

SHELLFISH

The Loch Crinan Scallops Fishery Order 1993

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| <i>Made</i> | - - - - | <i>1st February 1993</i> |
| <i>Laid before Parliament</i> | | <i>5th February 1993</i> |
| <i>Coming into force</i> | - - | <i>26th February 1993</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 Scallop Kings p.l.c.;

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 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paragraph 3 of that Schedule and which he considers to be neither frivolous nor irrelevant and which have not been withdrawn;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 but subject to certain restrictions;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by section 1 as read with section 2(1), and section 7(5)(a) of 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 Crinan Scallops Fishery Order 1993 and shall come into force on 26th February 1993.

(2) In this Order—

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- (1) 1967 c. 83; section 1 was amended by the Sea Fishery 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); Schedule 1 was amended by the Sea Fisheries Act 1968, section 15(7). 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 (c. 83).

“the applicant” means Scallop Kings p.l.c. incorporated under the Companies Acts and having their registered office at 6 Park Circus Place, Glasgow and a place of business at the Boatyard, Crinan, Argyll;

“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 Crinan Scallops Fishery Order 1993”, 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 applicant’s place of business at the Boatyard, Crinan, Argyll;

“the fishery” means the part of Loch Crinan, Argyll in Strathclyde Region, described in the Schedule to this Order, and shown coloured pink on the definitive map.

Right of several fishery

2. There is hereby conferred on the applicant for a period of 12 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 to which this Order relates.

Restrictions

3. The right of several fishery granted by article 2 above is subject to the following restrictions:—
- (a) The harvesting of scallops shall be carried out manually by divers, and
 - (b) the applicant shall not permanently moor within the limit of the several fishery area any boat or other floating structure used by it in exercising its right of several fishery and any boat or other floating structure so used shall be moved from the area of the several fishery at the conclusion of each operation.

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
1st February 1993

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE

Article 1(2)

Description of the fishery

That part of the sea shore in Loch Crinan, Argyll in Strathclyde Region, lying to the north of Crinan, comprising the bed of the sea and extending to 97.420 hectares or thereby and bounded as follows: on or towards the north by a straight line one thousand and thirty-six metres in length extending in an east south easterly direction from a point in Loch Crinan at O.S. Grid Reference NR 7790 9594 to a point therein at O.S. Grid Reference NR 7892 9576; thence on or towards the east by a straight line eight hundred and sixty metres in length extending in a southerly direction to a point in Loch Crinan at O.S. Grid Reference NR 7892 9490; thence on or towards the south by a straight line one thousand and fifty eight metres in length extending in a south westerly direction to a point in Loch Crinan at O.S. Grid Reference NR 7790 9462; and thence on or towards the west by a straight line one thousand three hundred and twenty metres in length extending in a northerly direction to the point of beginning at O.S. Grid Reference NR 7790 9594 aforesaid.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on Scallop Kings p.l.c. (“the applicant”) for a period of 12 years the right of several fishery for scallops in a specified area of sea at Loch Crinan, Argyll, Strathclyde Region.

By virtue of section 2 of the Sea Fisheries (Shellfish) Act 1967 and the grant of several fishery under 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. Article 3 restricts (a) the harvesting of scallops to manual operation by divers and (b) the permanent mooring of any boat or other floating structure within the several fishery area.

Article 4 of the Order requires the applicant to mark and maintain the markings of the limits of the fishery. Article 5 provides that the Order will not prejudicially affect the rights of the Crown except with the Crown’s consent.

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 Scallop Kings p.l.c., at the Boatyard, Crinan, Argyll, Strathclyde Region, and at the offices of the Scottish Office Agriculture and Fisheries Department at Pentland House, 47 Robb’s Loan, Edinburgh.