

S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2010 No. 429

SEA FISHERIES

CONSERVATION OF SEA FISH

The Scallops (Luce Bay) (Prohibition of Fishing) Variation Order
2010

Made

1st December 2010

Laid before the Scottish Parliament

2nd December 2010

Coming into force

6th December 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 5(1), 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967(1) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Scallops (Luce Bay) (Prohibition of Fishing) Variation Order 2010 and comes into force on 6th December 2010.

Variation of the Scallops (Luce Bay) (Prohibition of Fishing) Order 2010

2.—(1) The Scallops (Luce Bay) (Prohibition of Fishing) Order 2010(2) is varied as follows.

(2) In article 1 (citation, commencement, cessation, effect and extent)—

(a) for paragraph (2), substitute—

“This Order remains in force until the end of 7th December 2010.”; and

(b) for paragraph (3), substitute—

“The prohibition in article 3 has effect during the period from 1st November 2010 until the end of 7th December 2010.”.

DAVID BREW

A member of the staff of the Scottish Ministers

Victoria Quay,

Edinburgh

1st December 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies the dates during which the prohibition of fishing for scallops under article 3 of the Scallops (Luce Bay) (Prohibition of Fishing) Order 2010 (S.S.I. 2010/375) (“the 2010 Order”) applies.

Article 3 of the 2010 Order prohibits fishing for scallops of the species *Pecten maximus* in Luce Bay (the area of the prohibition is described in the Schedule to the 2010 Order). The prohibition in article 3 of the 2010 Order has effect from 1st November 2010 and applies to any fishing boat within the area of the Scottish zone described in the Schedule to the 2010 Order.

This Order varies article 1 of the 2010 Order such that the 2010 Order remains in force until the end of 7th December 2010 at which time the prohibition on fishing in article 3 will come to an end.

A person who contravenes the prohibition contained in article 3 of the 2010 Order is guilty of an offence under section 5(1) of the Sea Fish (Conservation) Act 1967. Penalties applicable to the commission of such offences are contained in section 11 of that 1967 Act.

No Business and Regulatory Impact Assessment has been prepared for this instrument.

(1)

1967 c.84 (“the 1967 Act”); section 5(1) was substituted by the Fisheries Act 1981 (c.29), section 22(1); section 15(3) was substituted by the Sea Fisheries Act 1968 (c.77), section 22(5), Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c.86), Schedule 2, paragraph 16(1) and the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 43(2)(b). Relevant modifications are contained in the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I. 1999/1748), article 5 and the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756), articles 3, 5 and 6. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 22(2) of the 1967 Act, which contains a definition of “the Ministers” for the purposes of sections 5 and 15(3), was amended by the Fisheries Act 1981, sections 19(2)(d), (3) and 45. The definition was modified in relation to Scotland by section 22A(12)(b) of the 1967 Act, as inserted by S.I. 1999/1820, Schedule 2, paragraph 43(13).

(2)

S.S.I. 2010/375.