

STATUTORY INSTRUMENTS

1997 No. 830 (S.77)

SEA FISHERIES

SHELLFISH

The Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 1997

Made - 10th March 1997

Laid before Parliament - 14th March 1997

Coming into force - 4th April 1997

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 Mrs Jane Hardman or Grant;

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 but those objections were considered by him to be frivolous or irrelevant;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by section 1 of, as read with Schedule 1 to, 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 Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 1997 and shall come into force on 4th April 1997.

(2) In this Order-

“the applicant” means Mrs Jane Hardman or Grant, No.2 Isle-Ewe, Aultbea, Ross-shire IV22 2JW;

“the grantee” means the applicant and 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 the Secretary of State and marked “Map referred to in the Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 1997”, one such copy of which is deposited in the principal office of the Scottish Office Agriculture, Environment and Fisheries Department at Pentland House, 47 Robb's Loan, Edinburgh EH14 1TW and the other such copy of which is deposited in the applicant's place of business at No.2 Isle-Ewe, Aultbea, Ross-shire IV22 2JW; and

“the fishery” means that part of the bed of the sea in Loch Ewe, Wester Ross described in the Schedule to this Order and shown coloured pink on the definitive map.

Right of several fishery

2 . Subject to the following provisions of this Order there is hereby conferred on the applicant for a period of 10 years beginning on the date on which this Order comes into force the right of several fishery for scallops with respect to the whole of the area of the fishery.

Assignment

3 . The grantee shall not without the prior written consent of the Secretary of State assign or in any other way transfer the right of several fishery to any other person.

Marking of limits of fishery

4 . The grantee 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, 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.

Raymond S Robertson
Parliamentary Under Secretary of State, Scottish Office

St Andrew's House, Edinburgh
10th March 1997

SCHEDULE
Article 1(2)

DESCRIPTION OF THE FISHERY

That part of the bed of the sea in Loch Ewe, Wester Ross lying off the north-east shore of the Isle of Ewe, extending to 3.255 hectares or thereby and bounded as follows: on or towards the south-east, by a straight line extending in a generally north-easterly direction from a point at 57°50

-103' North latitude and 05°36

-460' West longitude to a point at 57°50

-145' North latitude and 05°36

-392' West longitude; thence, on or towards the north-east by a straight line extending in a generally north-westerly direction to a point at 57°50

-270' North latitude and 05°36

-662' West longitude; thence, on or towards the north-west, by a straight line extending in a generally south-westerly direction to a point at 57°50

-220' North latitude and 05°36

-735' West longitude; thence, on or towards the south-west, by a straight line extending in a generally south-easterly direction to a point at 57°50

-164' North latitude and 05°36

-570' West longitude; thence, on or towards the south, by a straight line extending in a generally easterly direction to a point at 57°50

-167' North latitude and 05°36

-508' West longitude; thence, on or towards the west, by a straight line extending in a generally southerly direction to a point at 57°50

-129' North latitude and 05°36

-500' West longitude; and thence, on or towards the south-west, by a straight line extending in a generally south-easterly direction to the point of beginning.

Map - see official printed copy

EXPLANATORY NOTE
(This note is not part of the Regulations)

This Order confers on Mrs Jane Grant for a period of 10 years the right of several fishery for scallops in part of Loch Ewe (article 2). The part of Loch Ewe to which the Order applies is described in Schedule 1. The location of the area is also shown on the definitive map (article 1(2)). A copy of the definitive map is held by the Scottish Office Agriculture, Environment and Fisheries Department, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TW and by the applicant at No. 2, Isle-Ewe, Aultbea, Ross-shire IV22 2JW. A representation of the definitive map is appended to this Note.

The Order prohibits the assignation or other transfer of the right of several fishery without the prior written consent of the Secretary of State (article 3).

The Order requires the limits of the area to be clearly marked and maintained on the bed and surface of the sea (article 4).

The Order provides that its effect will not prejudicially affect the rights of the Crown except with the Crown's consent (article 5).

By virtue of section 2 of the Sea Fisheries (Shellfish) Act 1967 this Order confers on the applicant the exclusive right to deposit, propagate, dredge, fish for and take scallops within the area.

Notes:

[1] 1967 c.83; section 1 was amended by the Sea Fisheries Act 1968 (c.77), section 15(2) and the Fisheries 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).