This memorandum relates to the Sea Fisheries (Shellfish) Amendment (Scotland) Bill (SP Bill 11) as introduced in the Scottish Parliament on 8 March 2000

SEA FISHERIES (SHELLFISH) AMENDMENT (SCOTLAND) BILL

FINANCIAL MEMORANDUM

(AND PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE)

FINANCIAL MEMORANDUM

INTRODUCTION

1. This document relates to the Sea Fisheries (Shellfish) Amendment (Scotland) Bill introduced in the Scottish Parliament on 8 March 2000. It has been prepared by Tavish Scott MSP, who is the member in charge of the Bill, to satisfy Rule 9.3.2 of the Parliament’s Standing Orders. It does not form part of the Bill and has not been endorsed by the Parliament.

BACKGROUND

2. The Bill has a single purpose: to amend section 7(4) of the Sea Fisheries (Shellfish) Act 1967 to permit Scottish Ministers to authorise the use by fishermen of non-damaging types of fishing gear such as creels in areas covered by Several Fisheries Orders.

3. As the Act currently stands, a shellfish farmer seeking a Several Order to allow him to control an area of seabed on which to farm shellfish frequently encounters opposition from fishermen who fish in the area to be covered by the Order. If the Several Order is issued, all fishing is banned within the area covered, regardless of whether or not the fishing operations damage the interests of the shellfish farmer. This amendment to the 1967 Act would allow Scottish Ministers making a Several Order to authorise the continuation of specified non-damaging fishing operations within the area covered by the Order. The aim of the Bill is thus to avoid unnecessary and avoidable conflicts of interests between shellfish farmers and fishermen.
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COSTS ON THE SCOTTISH ADMINISTRATION

4. No costs expected.

COSTS ON LOCAL AUTHORITIES

5. No costs expected.

COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES

6. No costs expected.

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

7. On 3 March 2000, the Presiding Officer (Sir David Steel) made the following statement:

“In my view, the provisions of the Sea Fisheries (Shellfish) Amendment (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”
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