RURAL ECONOMY AND CONNECTIVITY COMMITTEE

AGENDA

22nd Meeting, 2018 (Session 5)

Wednesday 12 September 2018

The Committee will meet at 9.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Declaration of interests:** Maureen Watt will be invited to declare any relevant interests.

2. **Transport (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

   Tasha Geddie, Transport Scotland Bill Team, Stephen Thomson, Head of Environmental & Sustainability Policy, Peter Grant, Team Leader – Bus Policy, Gordon Hanning, Head of Integrated Ticketing Unit, George Henry, Policy Manager – Parking, Kat Quane, Policy Officer – Road Works, Joanne Gray, Policy Manager – Regional Transport Partnerships, Chris Wilcock, Head of Ports, Shipping, Freight and Canals, Kevin Gibson, Legal Department, Debbie Blair, Legal Department, Anne Cairns, Legal Department, and Claire McGill, Legal Department, Scottish Government.

3. **Subordinate legislation:** The Committee will consider the following negative instrument—

   The Scalpay Island, Isle of Skye, Scallops Several Fishery Order 2018 (SSI 2018/245)

4. **Salmon farming in Scotland (in private):** The Committee will consider a draft report.

Steve Farrell
Clerk to the Rural Economy and Connectivity Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5211
Email: steve.farrell@parliament.scot
The papers for this meeting are as follows—

**Agenda Item 2**

Cover note
PRIVATE PAPER

**Agenda Item 3**

SSI cover note

**Agenda Item 4**

PRIVATE PAPER
Background

1. The Transport (Scotland) Bill ("the Bill") was introduced in the Scottish Parliament by the Cabinet Secretary for Finance and Constitution, Derek Mackay MSP, on 8 June 2018. The Rural Economy and Connectivity Committee has been designated as the lead committee for Stage 1 consideration of the Bill.

2. On 12 September, the Committee will take evidence from the Scottish Government’s Bill team.

Purpose and content of the Bill

3. The Bill covers a wide range of different transport topics in six parts:

   1. **Low Emissions Zones** - Part 1 of the Bill enables the creation of low emission zones in Scotland which can be enforced, with the aim of improving air quality and reducing greenhouse gas emissions. This would restrict driving in certain areas by road vehicles which fail to meet emission standards.

   2. **Bus services** - Part 2 is intended to provide local transport authorities with options to improve bus services in their areas. This could include partnership working with operators, local franchising or running their own buses. Part 2 also aims to improve the information given to passengers.

   3. **Smart ticketing** - Part 3 would create a national technological standard for smart ticketing to assist the spread of smart ticketing across public transport in Scotland, and provide local transport authorities with further powers for smart ticketing arrangements and schemes.

   4. **Responsible parking** – Part 4 proposes to improve safety for roads users and pedestrians by prohibiting double parking and parking on pavements.

   5. **Road works** - Part 5 would strengthen the role of the Scottish Road Works Commissioner (SRWC) and improve the regulation of road works.

   6. **Regional Transport Partnerships and Scotland’s canals** - Part 6 gives Regional Transport Partnerships (Transport Partnerships) more financial flexibility. It also allows Scottish Ministers to vary the membership and structure of the Scottish Canals Board.

4. Further information on the Bill can be found on the Parliament’s website:

Committee’s evidence gathering

5. This is the Committee’s first formal evidence session on the Bill. Details of other evidence gathering activities can be found on the Committee’s website:


Clerking team
Rural Economy and Connectivity Committee
Sept 2018
1. The Committee will consider the following negative SSI:


2. The annexe contains, in respect of the instrument, the clerk’s note, correspondence from the Scottish Government, a Policy Note, a Business and Regulatory Impact Assessment, and the instrument itself.
Annex A – SSI 2018/245: The Scalpay Island, Isle of Skye, Scallops Several Fishery Order 2018

Type of Instrument: Negative

Laid Date: 1 August 2018

Coming into force: 29 October 2018

Minister to attend the meeting: No

Procedure

1. Under the negative procedure, an instrument comes into force on the date specified on it (the “coming into force date”) unless a motion to annul is agreed to by the Parliament within the 40-day period. Lead committees are not obliged to report to the Parliament on negative instruments, except where a motion recommending annulment has been lodged.

Policy Objectives and Background

2. This instrument grants the exclusive right of several fishery for scallops for 15 years for part of the seabed near the Isle of Skye to M.F.G & J.A. Walford. The part of the sea bed extends to 18 hectares in an area off Scalpay Island.

3. A similar order was granted in 1998 to the same individuals, but this expired in 2013.

4. The order restricts the harvesting of scallops by divers manually. Such orders assist in developing the shellfish farming sector and provide certainty allowing individuals to invest in their businesses.

5. The Convener raised several queries on this instrument to the Scottish Government, and the correspondence is included in the annex below.

6. The instrument is attached and available online at the below link: http://www.legislation.gov.uk/ssi/2018/245/contents/made

Consultation

7. Both the applicant/grantee and the Scottish Government carried out consultation on the proposals. It was advertised in the local press and no objections were received.

8. The letter from the Scottish Government explains that as part of the application process, the applicant must try to identify and consult all those whose livelihoods or amenities may be affected. The Scottish Government’s Business and Regulatory Impact Assessment stated that there is no evidence that other fishermen currently fish in the proposed area.
Consideration by the Delegated Powers and Law Reform Committee

9. At its meeting on 4 September 2018, the Delegated Powers and Law Reform (DPLR) Committee considered the instrument and determined that it did not need to draw the attention of the Parliament to the instruments on any grounds within its remit.

Recommendation

10. The Committee is invited to consider any issues that it wishes to raise in relation to this instrument.

Rural Economy and Connectivity Committee Clerks
7 September 2018
POLICY NOTE

The Scalpay Island, Isle of Skye, Scallops Several Fishery Order 2018

SSI 2018/245

The above instrument is made in exercise of the powers in sections 1 and 7(4)(a)(iii) of the Sea Fisheries (Shellfish) Act 1967. The instrument is subject to negative Parliamentary procedure.

Policy Objectives

Several Orders can confer rights on persons to fish exclusively for specified types of shellfish, including scallops, in a designated area. The Scalpay Island, Isle of Skye, Scallops Several Fishery Order 2018 confers on M.F.G. & J.A. Walford, for a period of 15 years, the right of several fishery for scallops in an area off Scalpay Island, Isle of Skye, covering a part of the bed of the sea extending to 18 hectares within specified co-ordinates.

M.F.G. & J.A. Walford had previously fished exclusively in the designated area under The Scalpay Island, Isle of Skye, Scallops Several Fishery Order 1998 (“the 1998 Order”) which expired in 2013. The 1998 Order included a restriction that the harvesting of scallops can only be carried out manually by divers. The 2018 Order also provides for that restriction.

The 2018 Order will confer on M.F.G. & J.A. Walford an exclusive right to fish scallops in the same designated area as the 1998 Order off Scalpay Island, Isle of Skye.

Consultation

The applicants, M.F.G. & J.A. Walford, consulted with the local community and others as part of the application process.

A draft of the proposed Several Order was also consulted upon as is required in terms of schedule 1 to the Sea Fisheries (Shellfish) Act 1967. Schedule 1 to that Act also requires the proposed Order to be published. Details of the proposed Order were advertised in a local newspaper on 13 April 2018. A period of four weeks was provided for receipt of any representations or objections but none were received.

Financial Effects

Other than time required to complete a short annual report, no financial burdens will be placed on the applicant as a result of the Order. A Business and Regulatory Impact Assessment has been prepared in relation to the Order and placed in the Scottish Parliament Information Centre.

Marine Scotland
July 2018
**Title of Proposal**

THE SCALPAY ISLAND, ISLE OF SKYE, SCALLOPS SEVERAL FISHERY ORDER 2018

**Purpose and intended effect**

**Background**
An application has been made for a Several Order off Scalpay Island, Isle of Skye, for the sole right to fish for scallops in the proposed area.

The area was previously subject to a Several Order granted to the applicant, The Scalpay Island, Isle of Skye, Scallops Several Fishery Order 1998, which expired in 2013.

Several Orders are made under the Sea Fisheries (Shellfish) Act 1967, whereby Ministers can provide for the establishment or improvement of a fishery for specified species of shellfish, by granting exclusive rights to individuals or corporate bodies to deposit, propagate, dredge, fish for or take those specified species of shellfish. The proposed order will confer on the applicant/grantee a right of several fishery in respect of scallops in the same specified area for a period of 15 years.

**Objective**
Several Orders assist the development of the shellfish farming sector, which offers economic and employment opportunities, particularly in remote and rural areas, without any significant environmental consequences. Marine Scotland supports and encourages local management of fisheries, where harvesting techniques are used to support sustainable fishing and consultation shows local support and no conflict with commercial interests. The Order allows the applicant to develop a shellfish fishery in respect of scallops.

**Rationale for Government intervention**
The 2018 Order will confer an exclusive right to fish scallops in the 18 hectare area off Scalpay Island. Making the new Several Order will facilitate business and employment opportunities. It should be noted that no objections have been raised to the new order, the effect of which will be to allow the grantee to develop his scallop business.

This order will contribute to the Scottish Government's strategic objective to improve Scotland's natural and built environment and the sustainable use and enjoyment of it. It also supports the inshore strategy of local fisheries management.

**Consultation**

**Within Government**
The proposed Several Order itself has already been the subject of consultation as part of the requirements of schedule 1 to the Sea Fisheries (Shellfish) Act 1967.

In addition to the Several Order consultation, as per the requirements of schedule 1 to the Sea Fisheries (Shellfish) Act 1967, the following organisations have also been consulted on the terms of this proposed Order:
- Scottish Natural Heritage
The effect of the Order is to facilitate the resumption of the scallop fishery off Scalpay Island, extending to an area of about 18 hectares. There were no suggestions for any changes to the proposals.

Public Consultation
The applicant/grantee consulted on his application for a Several Order and this was consistent with the Several and Regulated Fisheries (Form of Application) Regulations 1987.

In addition, in accordance with the requirements of schedule 1 to the Sea Fisheries (Shellfish) Act 1967, there was a further consultation period of one month in respect of the draft Order after it was advertised on 13 April 2018 in the local press. No objections were raised and no other representations were received.

Business
The applicant/grantee consulted on his application for a Several Order itself to ensure compliance with the requirements of the Several and Regulated Fisheries (Form of Application) Regulations 1987. There was a further period of one month of consultation after advertising the Order on 13 April 2018 in the local press. No objections were raised and no other representations were received.

Options
Two options have been considered in relation to the proposed Several Order:

1. Refuse the application; and
2. Make a Several Order for the proposed area off Scalpay Island.

Option 1 – Refuse the application. This option would maintain the status quo and continue the public right to fish for scallops in the area. There is no evidence that the area is currently commercially fished other than by the applicant. By not making a Several Order the applicant might be deterred from investment in the fishery. There is also the risk that any time and money invested in the business and in developing the scallop stock may be lost if others come and harvest the shellfish.

Option 2 - To make and bring into force a 15 year Several Order which will provide the applicant/grantee exclusive rights to fish for scallops in the zone and provide long term stability to the applicant/grantee’s business and potential employment opportunities.

Sectors and groups affected
The affected persons will mainly be the applicant/grantee and any persons employed as a result of the existing fishery, but also any other person who might have been contemplating fishing for scallops in the area covered by the Several Order. Impact on other individuals including other fishermen is negligible.

Benefits
Option 1 – there are no benefits in refusing the application and not supporting a Several Order. There is no evidence that other fishermen currently fish in the proposed area and no objections were raised. We believe there will therefore be no impact on other fishermen. If the application for a Several Order were refused, there may be a detrimental effect on the applicant/grantee’s business and willingness to invest in scallop fishing in the area which may hinder the development of the business and its ability to provide employment for others.

Option 2 – The benefit of bringing into force an Order is the stability it provides for the business and employees and providing an environment in which the applicant/grantee has confidence to invest in the business.

Costs
Other than the costs of consultation during the application process there are no direct costs to the business in applying for a Several Order or being granted a right of several fishery. A brief annual report is required from a Several Order grantee each year. There is no evidence to suggest that other businesses would be deprived of fishing opportunities by making this order.

Scottish Firms Impact Test
The impact on other local businesses will be negligible. However, the effect on the applicant/grantee’s business will be positive as the proposed Several Order will allow him to operate as the grantee of Order over the next 15 years. With effective management, the sustainability of the stocks in the longer term should guarantee the future of the fishery.

Competition Assessment
The Sea Fisheries (Shellfish) Act 1967 provides for the making of Several Orders, which give the grantee the sole right to fish for shellfish in the specified area and therefore encourage sustainability. The area covered by this Order is relatively small and the impact on other shellfish businesses is negligible.

Test run of business forms
There are no forms directly introduced by this Order and therefore no requirement for a test run of business forms.

Legal Aid Impact Test
There will be no impact on the legal aid fund.

Enforcement, sanctions and monitoring
It falls to the grantee of the Several Order to enforce his interests under the Order, and where that proves ineffective, to seek the services of the police to secure that his interests under the Order are respected.

Implementation and delivery plan
The proposed Several Order will come into force on 29 October 2018 which will enable the applicant/grantee to manage the fishery.

Post-implementation review
The proposed Order will run for 15 years. An annual report is to be submitted by the applicant/grantee which allows for an annual review of the performance and impact of the Order.

Summary and recommendation
To proceed with option 2.

A Several Order will provide stability and confidence for the grantee to invest in his business and provide for employment opportunities, as well as for stable and sustainable fishing. Conversely, the effect of refusing the Order would have the potential to deter future investment in the existing business.

Summary costs and benefits table

<table>
<thead>
<tr>
<th>Option</th>
<th>Total benefits per annum: economic, environmental and social</th>
<th>Total cost per annum: economic, environmental, social, policy and administrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Nil.</td>
<td>Nil economic cost to business but risk of losing the opportunity of incentivising investment in the business and creating employment opportunities. There is also the risk that the existing business interests maybe eroded.</td>
</tr>
<tr>
<td>2</td>
<td>Maintaining a stable environment for the business to operate in and allowing for investment and expansion. Creating additional employment opportunities.</td>
<td>Nil economic cost – other than cost of consulting for application and time required to complete a short annual return. Risk of depriving any other person who might have been contemplating fishing for scallops in the area covered by the Several Order although there is no evidence to suggest this is the case.</td>
</tr>
</tbody>
</table>
### Declaration and publication

I have read the Regulatory impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of the businesses in Scotland.

Signed: Mairi Gougeon

Date: 30th July 2018

Mairi Gougeon  
Minister for Rural Affairs and the Natural Environment  
Scottish Government

Scottish Government Contact point:

Michael Cutts  
Inshore Fisheries and Coastal Communities Team  
Marine Scotland  
0131 244 4756
Questions from the Convener to the Scottish Government, 8 August 2018

My questions are:

1. What is the annual estimated worth of this right?
2. Is there a limit on the amount that can be harvested?
3. Who will monitor this?
4. Is the right tradeable? (if the company is sold is this right an asset of the company).
5. What right of review is there?

I would also like to know how many of these there are across Scotland.
15 August 2018

Dear Mr Farrell


By way of background, Several Orders are made under the Sea Fisheries (Shellfish) Act 1967, whereby Ministers can provide for the establishment or improvement of a fishery for certain species of shellfish, by granting exclusive rights to deposit and take that specified species of shellfish to individuals or corporate bodies.

Since such Orders sever a part of the public right to fish, applications are subject to a rigorous application process. The applicant will be expected (and it is in their own interest) prior to submitting a formal application, to have attempted to identify and to have consulted all those whose livelihood or amenity may be affected by the granting of the Several Order. As far as possible the applicant should try and resolve any objections or representations which these affected parties may have concerning the operation of the Several Order and should submit with the application, copies of any correspondence indicating the conclusions of these consultations along with details of any unresolved objections. Once received the Scottish Government also undertakes a consultation of the proposals.

On the basis of an initial assessment of the merits of an application, and taking into account the comments from consultees, Scottish Ministers will decide whether to prepare a draft order for publication and further consultation. In assessing the application Scottish Ministers will take the following into account:-

- The extent to which a fishery is established or if there will be an improvement in the stocks of the shellfish species named in the application. If the proposal is to only harvest shellfish, with no plans to improve or restock the fishery, it would be unlikely to receive support.

- The extent to which other interests, such as fishermen or fish farmers, may be affected by the proposed development.
• Whether there is likely to be any adverse impact on the marine environment.

• The extent to which the area applied for is the minimum necessary for the purposes of the application. In considering this issue Scottish Ministers will take into account projections set out in the Business Plan, the particular requirements of the species being cultivated, the characteristics of the sea bed and the site suitability of the proposed area.

• Whether the length of time for which the Order is requested is the minimum period required for the purposes of the application.

• Whether there are other marine operations in the vicinity which might impact on the Several Order.

• Whether Several Order operations would cause navigational hazards.

• The source from where the Several Order area is to be stocked, as appropriate.

Scottish Ministers will also expect the Business Plan to support fully the details of the application, in particular in relation to the area sought (both in terms of location and size) and the period for which the Several Order is requested.

Several Orders assist the development of the shellfish farming sector, which offers economic and employment opportunities, particularly in remote and rural areas, without any significant environmental consequences.

There are currently four Several Orders in force in Scotland.

• The Loch Sligachan, Isle of Skye, Scallops Several Fishery (Scotland) Order 2013
• The Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 2015
• The Little Loch Broom Scallops Several Fishery Order 2015
• The Little Loch Broom Scallops Several Fishery Order 2017

The Several Order in itself does not have a value and it is not a ‘saleable asset’ although a transfer to another grantee is possible (further information on this is provided below). Any worth as a result of the granting of a Several Order will come from the shellfish harvested, which in turn will depend on the size, location, and resources put in by the grantee to enhance the fishery.

In their business plan MFG & JA Walford, the applicants, explain that they intend to collect spat and develop the fishery but juvenile stock is not expected to be of sufficient size for sowing on the sea bed until 2020 with harvesting occurring from 2023. In their application they projected output and value of scallops harvested to be as set out in the table below.

<table>
<thead>
<tr>
<th></th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Output (tonnes)</td>
<td>5,000</td>
<td>10,000</td>
<td>15,000</td>
<td>30,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Value (£)</td>
<td>10,000</td>
<td>20,000</td>
<td>30,000</td>
<td>60,000</td>
<td>80,000</td>
</tr>
</tbody>
</table>
In addition, the applicants expect to be employing two full time staff and three part time staff in the business by 2021.

There is no set limit on the harvesting of scallops, however the grantee of any Several Order is subject to the same rules and regulations as other fishermen, including those on minimum and maximum landing sizes. A Several Order is a long term commitment by the grantee and allows them to invest in enhancing and managing the fishery, and it is in their own interest to do this in a sustainable manner. In this instance (and for the other Several Orders in Scotland) harvesting will be limited to hand diving only.

The Scottish Government will require the Several Order grantee to provide an annual report confirming the cultivation of the area during the period of the Several Order and provide details of amounts harvested.

An Order may be revoked in relation to all or any part, of the area if it is found the grantee is not properly cultivating the area to which the Order relates.

A Several Order grantee may transfer or assign a Several Order to another individual or corporate body but this would require the consent of the Scottish Ministers. This issue has not yet arisen but any request for an Order to be transferred or assigned would require consideration along similar lines to a request for a new Order.

I hope this information is helpful.

Yours Sincerely

Michael Cutts
The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1 and 7(4)(a)(iii) of the Sea Fisheries (Shellfish) Act 1967(a) (as read with section 2 and schedule 1 of that Act) and all other powers enabling them to do so.

In accordance with paragraphs 1 and 6 of that schedule(b), they have prepared a draft of this Order, served a copy of it on the applicant, and had regard to the powers and duties of Crown Estate Scotland (Interim Management)(c).

The applicant has caused printed copies of a draft of this Order to be published and circulated and has given notice of the application in accordance with paragraph 2 of that schedule.

With regard to paragraph 3 of that schedule, no objections were received and no representations were made in writing to the Scottish Ministers in respect of the draft of this Order.

Citation and commencement

1. This Order may be cited as the Scalpay Island, Isle of Skye, Scallops Several Fishery Order 2018 and comes into force on 29th October 2018.

(a) 1967 c.83 (“the 1967 Act”). Section 1 was relevantly amended by the Fishery Limits Act 1976 (c.86), section 9 and schedule 2, paragraph 15; the Marine and Coastal Access Act 2009 (c.23) (“the 2009 Act”), section 203; the Marine (Scotland) Act 2010 (asp 5) (“the 2010 Act”), section 160(1) and (2) and 161(2); the Aquaculture and Fisheries (Scotland) Act 2013 (asp 7) (“the 2013 Act”), section 55(1); and by the Scotland Act 1998 (c.46) (“the 1998 Act”), section 15(7); the 2009 Act, section 214; the 2010 Act, sections 160(3), 161(1)(g) and (h) and 161(5); the 2013 Act, section 58(1); and Crown Estate Transfer Scheme 2017, schedule 5, paragraph 13 (S.I. 2017/524). The reference to the “appropriate Minister” in section 22(1) of the 1967 Act is to be read as a reference to the Scottish Ministers by virtue of S.I. 1999/1820, schedule 2, paragraph 42(10).

(b) Paragraph 6(1) of schedule 1 of the 1967 Act was amended by the 2013 Act, section 58(1). Paragraph 6(2) of schedule 1 of the 1967 Act was inserted by the 2010 Act, section 160(3) and was amended by S.I. 2017/524, schedule 5, paragraph 13.

(c) This Order relates to a portion of the sea shore which belongs to Her Majesty in right of the Crown and which is part of the property, rights and interests to which section 90B(5) of the Scotland Act 1998 (c.46) applies. In such a case, paragraph 6(2) of schedule 1 of the 1967 Act requires the Scottish Ministers to have regard to the powers and duties of the person who has the management of the portion. In this case that is Crown Estate Scotland (Interim Management), who is the manager by virtue of paragraph 3 of S.I. 2017/524.
Interpretation

2.—(1) In this Order—
“the applicant” means the partnership of M.F.G. & J.A. Walford, Scalpay House, Broadford, Isle of Skye, IV49 9BS;
“the fishery” means that part of the bed of the sea lying off the east coast of Scalpay Island, Isle of Skye, described in the schedule; and
“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.

(2) A reference in this Order to anything produced in written form includes a reference to an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000(a), which has been recorded and is consequently capable of being reproduced.

Right of several fishery

3. Subject to the following provisions of this Order, the right of several fishery for scallops with respect to the whole area of the fishery is conferred on the applicant until 28th October 2033.

Restriction on harvesting

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

Assignation

5. The grantee must not without the prior written consent of the Scottish Ministers 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.—(1) Nothing in this Order affects 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 or a relevant person.

(2) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998(b) applies, means the person who manages that property or those rights or interests.

---

(a) 2000 c.7. Section 15(1) was amended by the Communications Act 2003 (c.21) schedule 17, paragraph 158.
(b) 1998 c.46. Section 90B was inserted by section 36(1) of the Scotland Act 2016 (c.11).
Revocation

8. The Scalpay Island, Isle of Skye, Scallops Several Fishery Order 1998(a) is revoked.

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
30th July 2018

(a) S.I. 1998/2639.
Article 2(1)

DESCRIPTION OF THE FISHERY

Interpretation

1. In this schedule—
   “co-ordinate” means a co-ordinate defined on the World Geodetic System 1984 Datum; co-ordinate “A” is 57°17.526′ North latitude and 005°55.496′ West longitude; co-ordinate “B” is 57°16.880′ North latitude and 005°55.267′ West longitude; and co-ordinate “C” is 57°16.861′ North latitude and 005°55.577′ West longitude.

Description of the fishery

2. That part of the bed of the sea at the island of Scalpay, near the Isle of Skye, extending to 18 hectares or thereby, which is bounded by the lines (the topographical descriptions of which are provided in the third column of the following table) which join in the order given the co-ordinates listed in the second column.

<table>
<thead>
<tr>
<th>Boundary Line</th>
<th>Co-ordinates between which the boundary line extends</th>
<th>Topographical description of boundary line</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>A and B</td>
<td>Geodesic line</td>
</tr>
<tr>
<td>2.</td>
<td>B and C</td>
<td>Geodesic line</td>
</tr>
<tr>
<td>3.</td>
<td>C and A</td>
<td>By Mean Low Water Springs</td>
</tr>
</tbody>
</table>

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

This Order confers on M.F.G & J.A. Walford (“the applicant”) for a period of 15 years beginning on the date on which this Order comes into force the right of several fishery for scallops in part of the sea bed lying off the east coast of Scalpay Island, Isle of Skye (article 3). The part of the seabed at the island of Scalpay, near the Isle of Skye, to which the Order applies is described in the schedule of the Order. The location of the area to which the Order applies is also shown on the indicative map, one copy of which is held in the principal office of Marine Scotland, Victoria Quay, Leith, Edinburgh EH6 6QQ and another of which is held by the applicant at Scalpay House, Broadford, Isle of Skye, IV49 9BS. A representation of the indicative map is appended to this note for illustrative purposes.

By virtue of section 2 of the Sea Fisheries (Shellfish) Act 1967, article 3 of this Order confers on the applicant the exclusive right to deposit, propagate, fish for and take scallops within the area, subject to certain restrictions.

Article 4 of the Order requires the harvesting of scallops under the right of several fishery to be carried out manually by divers.

Article 5 of the Order prohibits the assignation or other transfer of the right of several fishery without the prior written consent of the Scottish Ministers.

Article 6 of the Order requires the limits of the area to be clearly marked and maintained on the bed and surface of the sea.

Article 7 provides that the effect of the Order does not prejudicially affect the rights of the Crown.

Article 8 revokes the Scalpay Island, Isle of Skye, Scallops Several Fishery Order 1998 (the right of several fishery it conferred expired on 15th November 2003).

A Business and Regulatory Impact Assessment (“BRIA”) has been prepared in relation to this Order and placed in the Scottish Parliament Information Centre. Copies of the BRIA are available from Marine Scotland, Victoria Quay, Leith, Edinburgh EH6 6QQ and online at www.legislation.gov.uk.