

AQUACULTURE AND FISHERIES (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT

Schedule – Minor and consequential amendments

86. The schedule contains minor amendments and amendments consequential on the Act.
87. Paragraph 1 of the schedule makes a number of amendments to the 1937 Act, including amendments to the powers of inspectors to allow them to exercise powers of entry for inspecting land for the purposes of the *Gyrodactylus salaris* provisions introduced by Part 2 of the Act, and making it clear that inspectors may be accompanied by such persons as may be required and bring with them such equipment and vehicles as may be required.
88. The effect of the amendment to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 introduced by paragraph 2 of the schedule is to apply the procedure in Schedule 1 to that Act to any compulsory purchase which might be sought under section 5A(3) of the 1937 Act (as inserted by section 15 of the Act).
89. Paragraph 3 repeals subsections (9A) and (9B) of section 4 the 1967 Act, which required that any fish taken in an area specified by an order under that section as closed to fishing be returned to the sea forthwith, and made it an offence to fail to do so.
90. Paragraph 4 introduces a technical amendment, correcting subsection 5(b) of section 30 of the 1981 Act.
91. Paragraph 5 introduces a technical amendment to take account of the fact that section 32 changes the level of fine available under section 3(3) of the Sea Fisheries (Shellfish) Act 1967 from level 5 to £50,000. The original fine level is consequently repealed.
92. Paragraph 6 introduces a number of amendments to the 2003 Act, including modifications to the procedure relating to protection orders made under section 48 of that Act (sub-paragraphs (4) and (6) to (8)), including provision for such orders to be varied by a further order made by the Scottish Ministers without the need for an application to be made to them.