

# MARINE (SCOTLAND) ACT 2010

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## EXPLANATORY NOTES

### THE ACT

#### Part 8 Sea Fisheries

#### Chapter 1: The Sea Fish (Conservation) Act 1967

#### *Section 161 – Further modifications relating to Sea Fisheries (Shellfish) Act 1967*

245. This section extends to Scotland the modifications made by sections 204, 206, 207, 209, 210, 211 (1) and (3), 214 and Part 5 (A) of Schedule 22 of the Marine and Coastal Access Act 2009.
246. In particular, it provides that regulating order grantees may use monies collected by way of tolls and royalties for purposes connected with the regulation of the fishery, not just for the improvement of the fishery.
247. It provides that, where a fishing boat is used in the commission of an offence under section 3(3) of the 1967 Act, the master, owner and charterer (if any) of the boat are each guilty of an offence and introduces a definition for the term “master” in line with that in the Sea Fish (Conservation) Act 1967.
248. It makes provision that applies uniformly across the UK for a regulating order grantee to impose restrictions or make regulations about the dredging, fishing for and taking of shellfish and to carry into effect and enforce those restrictions and regulations in the same way as may be done for regulations imposed by and restrictions made in the order itself.
249. It requires grantees of regulated fisheries to hold a register of current licence-holders' names and addresses and make it available for inspection free of charge. Copies may be issued and a charge may be made for doing so.
250. It extends the protection afforded to private oyster beds under section 7 of the Sea Fisheries (Shellfish) Act 1967 to all privately owned shellfish beds for the particular type of shellfish to which their rights of ownership relate.
251. It amends Section 7(4) of the Sea Fisheries (Shellfish) Act 1967 which currently provides that it is an offence to use any implement of fishing, apart from a line and hook or a net for catching floating fish, in any area where there is a right of several fishery or in a private oyster bed to enable Ministers to specify by or under an order other implements of fishing that may be used in such areas.
252. It also amends the requirement to appoint an inspector and provides Ministers with a discretionary power in making decisions on the appointment of an inspector and calling public inquiries except in cases where an objection receiving an objection raising a material concern is received, in which case the appropriate Minister must appoint an inspector.

*These notes relate to the Marine (Scotland) Act 2010  
(asp 5) which received Royal Assent on 10 March 2010*

253. It makes equivalent repeals as regards Scotland to those contained in Part 5(A) of Schedule 22 of the Marine and Coastal Access Act 2009.
254. [Section 161](#) modifies Section 1 ( of the Sea Fisheries (Shellfish) Act 1967 so that the reference to the Town and Country Planning Act 1990 (inserted as a result of the extension to Scotland of section 203 of the Marine and Coastal Access Act 2009 by section 160) is read as the Town and Country Planning (Scotland ) Act 1997.
255. It also modifies section 7 of the Sea Fisheries (Shellfish) Act 1967 to substitute the maximum fine that a person may be liable to in respect of an offence under section 4 of that Act is £50,000.