

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

MARINE (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 8 Sea Fisheries

Chapter 1: The Sea Fish (Conservation) Act 1967

Section 160 – Modifications relating to Sea Fisheries (Shellfish) Act 1967: Orders as to fisheries for shellfish

240. This section makes amendments to the provisions of section 1 of the Sea Fisheries (Shellfish) Act 1967 relating to the power to make certain types of fishery orders (several and regulating orders).
241. Section 160 (1) amends section 1 of the Sea Fisheries (Shellfish) Act 1967 to remove the need to obtain Crown Estate consent to the making of several and regulating orders under section 1 of the Act.
242. Section 160 (2) extends to Scotland the modifications made by Section 203 of the Marine and Coastal Access Act 2009. In particular this enables the revocation or variation of an order to allow development on or over any portion of the sea shore to which a several or regulating order relates and provides for compensation to grantees of several fisheries affected by such development.
243. It also requires that before revoking or varying an order those with a right to an affected fishery must be consulted.
244. Section 160 (3) amends schedule 1 to the Sea Fisheries (Shellfish) Act 1967 to provide that when making a several or regulating Order Ministers must have regard to the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961.