
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 58

**The Marine (Scotland) Act 2010 (Commencement
No. 2 and Transitional Provisions) Order 2011**

Transitional provisions in respect of the Sea Fisheries (Shellfish) Act 1967

4.—(1) The commencement of section 161(1)(b) of the Act⁽¹⁾ (liability of master, etc where vessel used in commission of offence) has no effect as regards an offence committed under section 3(3) of the Sea Fisheries (Shellfish) Act 1967⁽²⁾ (penalty for contravention of restriction or regulation) before 24th February 2011.

(2) The commencement of section 161(3) of the Act⁽³⁾ (modification of section 7 of the Sea Fisheries (Shellfish) Act 1967) has no effect as regards an offence committed under section 7(4) of the Sea Fisheries (Shellfish) Act 1967 (circumstances comprising an offence) before 24th February 2011.

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- (1) Section 161(1)(b) of the Marine (Scotland) Act 2010 ([asp 5](#)) (“the Act”) extends to Scotland section 206(1) of the Marine and Coastal Access Act 2009 ([c.23](#)) (“the 2009 Act”). Section 206(1) modifies the Sea Fisheries (Shellfish) Act 1967 ([c.83](#)) (“the 1967 Act”) by inserting a new section 3(5), which creates a new offence in relation to masters, owners and charterers and which increases the penalty in relation to owners and charterers of vessels.
- (2) [1967 c.83](#).
- (3) Section 161(3) of the Act amends section 7(4) of the 1967 Act to increase the penalty for an offence under section 7 from level 3 on the standard scale to a penalty of £50,000.