

**2011 No. 58 (C. 8)**

**LICENSING (MARINE)**

**SEA FISHERIES**

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

*Made* - - - - *2nd February 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 165(1) and 168(1) of the Marine (Scotland) Act 2010(a).

**Citation and interpretation**

1.—(1) This Order may be cited as the Marine (Scotland) Act 2010 (Commencement No. 2 and Transitional Provisions) Order 2011.

(2) In this Order, “the Act” means the Marine (Scotland) Act 2010.

**Appointed days**

2. 24th February 2011 is appointed as the day for the coming into force of the following provisions of the Act:—

- (a) sections 158 to 161; and
- (b) section 167, so far as relating to paragraphs 10 to 13 of schedule 4.

3. 6th April 2011 is appointed as the day for the coming into force of the following provisions of the Act:—

- (a) sections 20 to 63;
- (b) section 131(1) to (3);
- (c) section 150; and
- (d) section 167, so far as relating to paragraphs 1 to 3 of schedule 4.

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

4.—(1) The commencement of section 161(1)(b) of the Act(b) (liability of master, etc where vessel used in commission of offence) has no effect as regards an offence committed under

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(a) 2010 asp 5.

(b) 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.

section 3(3) of the Sea Fisheries (Shellfish) Act 1967(a) (penalty for contravention of restriction or regulation) before 24th February 2011.

(2) The commencement of section 161(3) of the Act(b) (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.

### **Transitional provision in respect of the Sea Fisheries Act 1968**

5. The commencement of paragraph 10 of schedule 4 to the Act does not affect anything done by a grantee under section 15(2A) of the Sea Fisheries Act 1968(c) (extent of order conferring a right of regulating a fishery) before 24th February 2011.

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
2nd February 2011

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(a) 1967 c.83.  
(b) 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.  
(c) 1968 c.77 ("the 1968 Act"). Section 167 of, and paragraph 10 of Part 3 (sea fisheries) of schedule 4 to, the Act repeal section 15(2A) of the 1968 Act as regards Scotland. Section 15(2A) of the 1968 Act is restated in new section 3(6) of the 1967 Act, which was inserted by section 207 of the 2009 Act, and which modification is extended to Scotland by section 161(1)(c) of the Act.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions of the Marine (Scotland) Act 2010 (“the Act”).

Article 2 of the Order brings into force on 24th February 2011 the provisions of Part 8 of the Act (and related paragraphs in schedule 4 to the Act) dealing with sea fisheries. There are connected transitional provisions in articles 4 and 5.

Article 3 of the Order brings into force on 6th April 2011 provisions of the Act dealing with marine licensing. The relevant provisions are in Parts 4 and 7 of the Act and in schedule 4.

The only provision of the Act still requiring commenced is section 167 so far as relating to paragraph 4 of schedule 4 (repeal of section 1 of the Protection of Wrecks Act 1973 (c.33)).

## NOTE AS TO EARLIER COMMENCEMENT ORDER

*(This note is not part of the Order)*

The following provisions of the Act came into force on Royal Assent (10th March 2010) – sections 1, 2, 19, 64 to 66, 106, 133, 157, 165, 166 and 168. The provisions in the table below were brought into force by the Marine (Scotland) Act 2010 (Commencement No. 1) Order 2010 (S.S.I. 2010/230).

<i>Provision</i>	<i>Date of Commencement</i>
ss.3 to 18	1.7.10
ss.67 to 105	1.7.10
ss.107 to 109	31.1.11
ss.110 to 112	1.9.10
s.113	31.1.11
ss.114 to 116	1.9.10
ss.117 to 119	31.1.11
s.120	1.9.10
s.121	31.1.11
ss.122 to 125	1.9.10
ss.126 and 127	31.1.11
s.128(1) to (3)	31.1.11
s.128(4)	1.9.10
ss.129 and 130	31.1.11
s.131(4)	1.7.10
s.132	1.7.10
ss.134 to 149	1.7.10
ss.151 to 156	1.7.10
ss.162 to 164	1.7.10
s.167 (partially)	1.7.10

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