This Scottish Statutory Instrument has been made in consequence of a defect in S.S.I. 2003/79 and is being issued free of charge to all known recipients of that Scottish Statutory Instrument.

S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2003 No. 100

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Amendment Order 2003

Made	*24th February 2003*
Laid before the Scottish Parliament	*24th February 2003*
Coming into force	*25th February 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 5(1)(c), 15(3) and 22(2) of the Sea Fish (Conservation) Act 1967(**a**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and cessation

1.—(1) This Order may be cited as the Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Amendment Order 2003 and shall come into force on 25th February 2003.

(2) This Order shall remain in force until 30th April 2003.

Amendment of the Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2003

2.—(1) The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2003(**b**) is amended in accordance with this article.

(2) In article 2(1) (interpretation), for the definition of "scallop dredge" there is substituted–

""scallop dredge" means an appliance with a rigid framed mouth which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for king scallops of the species *Pecten maximus*;".

(a) 1967 c.84; section 5(1) was substituted by the Fisheries Act 1981 (c.29), section 22(1); section 15(3) was substituted by the Sea Fisheries Act 1968 (c.77), Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c.86) Schedule 2, paragraph 16(1). Relevant modifications are contained in the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I. 1999/1748), article 5 and the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756) articles 3, 5 and 6. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 22(2)(a) which contains a definition of "the Ministers" for the purposes of sections 5 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b). The definition has effect in relation to Scotland with the modifications made by section 22A(12)(b) inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 43(13).

(b) S.S.I. 2003/79.

(3) In article 4(4) (powers of British sea-fishery officers in relation to fishing boats), the words "within British fishery limits" are omitted.

ROSS FINNIE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
24th February 2003

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order amends the Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2003 (S.S.I. 2003/79) ("the principal Order") to correct defects in the principal Order. This Order forms part of the law of Scotland only.

This Order substitutes the definition of "scallop dredge" in article 2(1) of the principal Order (article 2(2)).

This Order also makes a technical correction in relation to the powers conferred on British sea-fishery officers by article 4(4) of the principal Order. There is no offence under article 3 of the principal Order in relation to British fishery limits beyond the areas specified in article 3(1) of that Order and so the reference to British fishery limits is erroneous. This correction does not affect the scope of powers under article 4 in general or article 4(4) in particular (article 2(3)).

This Scottish Statutory Instrument has been made in consequence of a defect in S.S.I. 2003/79 and is being issued free of charge to all known recipients of that Scottish Statutory Instrument.

S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2003 No. 100

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Amendment Order 2003

ISBN 0-11-062087-9

£1.75

© Crown Copyright 2003

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
150 03/03 19593