STATUTORY INSTRUMENTS

1961 No. 2332 (S. 132)

SEA FISHERIES

SEAL FISHERIES

The Grey Seals Protection (Scotland) (Suspension of Close Season) Order, 1961

Laid before Parliament in Draft
Made - - - - 5th December, 1961
Coming into Operation 5th December, 1961

The Secretary of State, in exercise of the power conferred on him by the proviso to subsection (1), and by subsection (2), of section 1 of the Grey Seals Protection Act, 1932(a), and of all other powers enabling him in that behalf, hereby makes the following Order, a draft whereof has been laid before Parliament in accordance with subsection (4) of the said section 1 as read with subsection (2) of section 6 of the Statutory Instruments Act, 1946(b) :—

Citation

1. This Order may be cited as the Grey Seals Protection (Scotland) (Suspension of Close Season) Order, 1961.

Interpretation

2.—(1) In this Order—

" grey seal " means a seal of the species known as Halichoerus grypus ;

" the prescribed area " means Scotland other than the following areas—

The Outer Hebrides including the islands of Haskeir Mor and Haskeir Beig and any place within three miles of any part of the said islands: and the following national nature reserves:

Rhum, St. Kilda, Sula Sgeir, North Rona, Hermaness (Unst, Shetland), Isle of May.

" the suspense period " means the period of twelve months next following the making of this Order.

(2) The Interpretation Act, 1889(c) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Suspension of close season for the prescribed area in 1961–62

3. The Secretary of State hereby directs that notwithstanding anything (apart from the proviso) in subsection (1) of section 1 of the Grey Seals Protection Act, 1932 (which establishes an annual close season for grey seals extending from the 1st day of September to the 31st day of December) there shall be no close season in the prescribed area during the suspense period.

(a) 22 23 Geo. 5. c. 23. (b) 9 & 10 Geo. 6. c. 36. (c) 52 & 53 Vict. c. 63.

Regulations

4. The regulations contained in the Schedule to this Order, being regulations providing for the grant and revocation of permits by the Secretary of State and prohibiting the killing of grey seals in the prescribed area during the suspense period except by persons holding permits and in such manner and by means of such weapon or instrument as is specified in those regulations, shall have effect.

Dated this fifth day of December, 1961.

John S. Maclay,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

REGULATIONS

1. The killing of grey seals in the prescribed area during the suspense period except by a person holding a permit in accordance with these regulations, and in such manner and by means of such weapon or instrument as is specified in these regulations is hereby prohibited.

2.—(1) The Secretary of State may, if he thinks fit, grant to any person a permit under these regulations and he may revoke the permit at any time by giving notice to the person to whom it was granted.

(2) Any such permit shall specify—

(*a*) the area within which the holder is authorised to kill grey seals, and

(*b*) the manner of killing and the means which the holder may employ for that purpose, both of which shall be in accordance with regulation 3 of these regulations.

3. The only means by which grey seals may be killed in the prescribed area during the suspense period is by shooting with a rifle in such a manner that death is caused instantaneously.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Grey Seals Protection Act, 1932, establishes an annual close season for grey seals extending from 1st September to 31st December. This Order, made by the Secretary of State under section 1 of the Act, directs that there shall be no close season in Scotland other than in certain excepted areas during the period of twelve months next following the making of this Order which was made on 5th December, 1961. The effect of the Order is to continue during the period of twelve months next following the making of the Order the position created by the Grey Seals Protection (Scotland) (Suspension of Close Season) Order, 1960 (S.I. 1960/2272).

In accordance with section 1 (2) of the Act, the Order contains regulations prohibiting the killing of grey seals during that period except by persons holding permits granted by the Secretary of State. The regulations specify the conditions of permits generally and the means by which the seals are to be killed.