STATUTORY INSTRUMENTS

1964 No. 1938 (S. 122)

SEA FISHERIES

SEAL FISHERIES

The Grey Seals Protection (Scotland) (Suspension of Close Season) Order 1964

Laid before Parliament in draft
Made - - - - *7th December* 1964
Coming into Operation *7th December* 1964

The Secretary of State, in exercise of the power conferred on him by 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 section 1(4) of the said Act as read with section 6(2) 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 1964.

Interpretation

2.—(1) In this order—

"the Act" means the Grey Seals Protection Act 1932;

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

"the normal close season" means the period in each year in respect of which a close season for grey seals is established by section 1(1) of the Act (apart from any order made under the proviso thereto), that is to say the period extending from 1st September to 31st December;

"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 for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Supension of close season for the prescribed area in 1964–65

3. The Secretary of State hereby directs that notwithstanding anything (apart from the proviso) in section 1(1) of the Act, 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 so much of the normal close season as falls within 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.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

7th December 1964.

SCHEDULE

REGULATIONS

1. The killing of grey seals in the prescribed area during so much of the normal close season as falls within the suspense period except by a person holding a permit granted in accordance with these regulations, and except 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 manner in which grey seals may be killed in the prescribed area during the suspense period by a person holding a permit granted in accordance with these regulations is by shooting in such a way that death is caused instantaneously and the only weapon to be employed for that purpose is a Webley ·32 humane killer or a rifle.

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 7th December 1964. 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 1963 (S.I. 1963/1993).

In accordance with section 1(2) of the Act, the order contains regulations prohibiting the killing of grey seals during the part of that period which would, apart from the provisions of this order, be the normal close season, 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.