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## EXPLANATORY NOTE

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

This Order revokes and re-enacts with amendments the Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Order 2000, by prohibiting fishing for sea fish with more than one trawl, except in two specified situations. The Order forms part of the law of Scotland only.

The Order provides for stricter measures for the management and conservation of stocks pursuant to Article 46 of Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (“the Council Regulation”) (OJ No L 125, 27.4.98, p.1).

Article 3(2) of the Order prohibits fishing for sea fish with any trawl other than a single trawl. Article 3(1) provides that the prohibition applies to a Scottish fishing boat wherever it may be and to any other British fishing boat within the Scottish zone. Article 3(3)(a) provides that the prohibition does not apply to beam trawlers fishing with two trawls. Article 3(3)(b) provides that the prohibition does not apply to fishing with two trawls where both trawls have a mesh size of 80 millimetres or more.

Article 4 revokes the Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Order 2000 and the Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Amendment Order 2007.

Any person who contravenes a prohibition imposed by this Order is guilty of an offence under section 5(1) of the Sea Fish (Conservation) Act 1967 (“the Act”). Penalties, which are set out at section 11 of the Act, include a fine not exceeding £50,000 on summary conviction and a fine on conviction on indictment. The court may impose an additional fine not exceeding the value of the fish caught in contravention of the Act or caught with fishing gear that contravened the Act. The court may also order the forfeiture of that fish or fishing gear.

For the purposes of this Order, a British sea-fishery officer has the powers conferred by section 15 of the Act, by Part 7 of the Marine (Scotland) Act 2010 (asp 5) and by sections 35, 36 and 39 of the Aquaculture and Fisheries (Scotland) Act 2013 (asp 7).

The provisions contained in this Order were made in accordance with the procedure set out in Article 46 of the Council Regulation. Article 46 of the Council Regulation authorises Member States to take certain national measures for the conservation and management of local stocks.