

2001 No. 250

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Amendment Order 2001

<i>Made</i>	<i>27th June 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>28th June 2001</i>
<i>Coming into force</i>	<i>1st August 2001</i>

The Scottish Ministers, in exercise of the powers conferred by section 3 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 interpretation

1.—(1) This Order may be cited as the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Amendment Order 2001 and shall come into force on 1st August 2001.

(2) In this Order, “the principal Order” means the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000(b).

Amendment of the principal Order

2. In article 2 (interpretation) of the principal Order—

(a) In paragraph (1)—

(i) for the definition of “the Council Regulation” there is substituted—

““the Council Regulation” means Council Regulation (EC) No. 850/98 of 30th March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms(c) as corrected by Corrigendum to Annex XII of the Council Regulation(d) and amended by Council Regulation (EC) No. 308/1999(e), Council Regulation (EC) No. 1259/99(f), Council Regulation (EC) No. 2723/99(g), Council Regulation (EC) No. 812/2000(h), Council Regulation (EC) No. 1298/2000(i) and Council Regulation (EC) No. 724/2001(j)”;

(a) 1967 c.84. 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). See section 22(2)(a) of the 1967 Act for the definition of “the Ministers,” as 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.I. 2000/227.

(c) O.J. No. L 125, 27.4.98, p.1.

(d) O.J. No. L 318, 27.11.98, p.63.

(e) O.J. No. L 38, 12.2.99, p.6.

(f) O.J. No. L 168, 3.7.99, p.1.

(g) O.J. No. L 328, 22.12.99, p.9.

(h) O.J. No. L 100, 20.4.00, p.3.

(i) O.J. No. L 148, 22.6.00, p.1.

(j) O.J. No. L 102, 12.4.01, p.16.

- (ii) for the definition of “extension piece” there is substituted—
““extension piece” means an extension piece located immediately in front of the codend and excludes the tapered part of the net;”;
 - (iii) after the definition of “ICES” there is inserted—
““strengthening bag” means a cylindrical piece of netting completely surrounding the codend of a trawl or seine net and which may be attached to a codend at intervals;” and
 - (iv) after the definition of “net” there is inserted—
“tapered part of the net” means the netting immediately in front of the codend or extension piece (if fitted) where the number of open meshes around the circumference of the net increases in a ratio not less than 4 meshes in circumference to every 5 meshes in the long axis of the net.”;
- (b) for paragraph (4) there is substituted—
- “(4) For the purposes of this Order, a net shall be deemed to have been carried in a boat for the purpose of fishing for Norway lobsters (*Nephrops norvegicus*), and a boat shall be deemed to have been fishing for Norway lobsters, if the catch retained on board that boat includes at least 35% by weight Norway lobsters.”; and
- (c) after paragraph (5) there is inserted—
- “(6) For the purposes of this Order, a net shall be deemed to have been carried in a boat for the purpose of fishing for queen scallops (*Chlamys opercularis*), and a boat shall be deemed to have been fishing for queen scallops, if the catch retained on board that boat includes at least 80% by weight queen scallops.”.

3. In article 3 (application) of the principal Order—

- (a) in paragraph (1), for “articles 4 and 5” there is substituted “articles 4 to 5A”;
- (b) in paragraph (2)—
 - (i) for “Articles 4 and 5” there is substituted “Articles 4 to 5A”;
 - (ii) in sub-paragraph (b) for “used.” there is substituted “used; or”; and
 - (iii) after sub-paragraph (b) there is inserted—
“(c) carried in, or used by, a boat for the purpose of fishing for queen scallops;”; and
- (c) after paragraph (2) there is inserted—

“(3) Article 5A(b) does not apply to any net that is carried in or used by a boat for the purpose of fishing for Norway lobsters.”.

4. In article 4 (square mesh panel requirements) of the principal Order, for paragraph (b) there is substituted—

- “(b) is positioned so that the rearmost row of meshes of the square mesh panel is no more than 9 metres from the codline or, in any case where the net is carried in or used by a boat for the purpose of fishing for Norway lobsters, the rearmost row of meshes of the square mesh panel shall be no more than 15 metres from the codline.”.

5. In article 5 (twine thickness requirements) of the principal Order for paragraph (2) there is substituted—

“(2) Where any net to which this article applies is carried or used for the purpose of fishing for Norway lobsters and has a mesh size of between 70 and 99 millimetres, the codend, extension piece and square mesh panel (if fitted) shall be constructed of single twine that shall not exceed 4 millimetres.”.

6. After article 5 of the principal Order there is inserted—

“Restriction on length of nets and prohibition of strengthening bags.

5A. In the case of any net to which this article applies and which has a mesh size of 70 millimetres or more—

- (a) the length of the codend measured together with any extension piece fitted thereto shall not exceed 300 meshes when measured from the codline; and
- (b) the attachment of a strengthening bag is prohibited.”.

7. In the ICES Statistical Sub-Area VI (West of Scotland) described in the Schedule to the principal Order for “south” where it first appears, there is substituted “north”.

RHONA BRANKIN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
27th June 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000 (S.S.I. 2000/227) ("the principal Order"). This Order forms part of the law of Scotland only.

This Order brings into effect additional technical conservation measures to further protect stocks of undersized fish.

This Order exempts nets used for the purposes of fishing for queen scallops from the requirements of the principal Order (article 3).

It also introduces a limitation upon the combined length of the codend and extension piece of certain fishing nets. It also prohibits the use of strengthening bags (also known as lifting bags) in these nets, and provides an exemption from this prohibition for nets used in or by boats for the purposes of fishing for Norway lobsters (article 3(c) and article 6).

In addition it clarifies the provisions in the principal Order relating to, the positioning of square mesh panels (article 4), twine thickness requirements (article 5) and corrects the description of ICES Statistical Sub-Area VI in the Schedule to the principal Order (article 7).

£1.75

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Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
200 07/01 19593

ISBN 0-11-059781-8



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