
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 317

The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures and Restriction on Days at Sea) (Scotland) Order 2009

PART II

**ENFORCEMENT OF COMMUNITY QUOTA
AND THIRD COUNTRY FISHING MEASURES**

Landing of unsorted catches

- 3.—(1) This article applies for the purposes of Article 10.
- (2) No catch that includes any unsorted fish may be landed at a harbour unless—
- (a) the master of the fishing boat from which the catch is to be landed applies before landing to a British sea-fishery officer at the harbour for a decision as to the suitability of the harbour for landing the catch; and
 - (b) having regard to the overall size and characteristics of the catch, the British sea-fishery officer—
 - (i) decides that the sampling systems at the harbour are adequate for the purposes of monitoring effectively the landing of the catch; and
 - (ii) notifies the master of that decision.
- (3) A person in charge of a relevant fishing boat is guilty of an offence if a catch that includes unsorted fish is landed from the fishing boat at a harbour before the master is notified of the decision of a British sea-fishery officer at the harbour in question under paragraph (2)(b)(ii).

By catch quota – skates and rays

4. A person in charge of a relevant fishing boat is guilty of an offence if—
- (a) (i) the relevant fishing boat has an overall length of more than 15 metres; and
(ii) skates and rays (Rajidae) comprise more than 25% by live weight of the catch retained on board in contravention of Annex IA;
 - (b) catches of any of the following species are not reported separately in contravention of Annex IA:—
 - (i) cuckoo ray (*Leucoraja naevus*);
 - (ii) thornback ray (*Raja clavata*);
 - (iii) blonde ray (*Raja brachyura*);
 - (iv) spotted ray (*Raja montagui*);
 - (v) starry ray (*Amblyraja radiata*);

- (vi) small-eyed ray (*Raja microocellata*);
- (vii) sandy ray (*Leucoraja circularis*); and
- (viii) shagreen ray (*Leucoraja fullonica*); or
- (c) any of the following species are retained on board and are not promptly released unharmed to the extent practicable in contravention of Annex IA:—
 - (i) common skate (*Dipturus batis*);
 - (ii) Norwegian skate (*Raja (Dipturus) nidarosiensis*);
 - (iii) white skate (*Rostroraja alba*); and
 - (iv) undulate ray (*Raja undulata*).

By catch quota – sharks and redfish

5. A person in charge of a relevant fishing boat is guilty of an offence if—
- (a) sharks comprise more than 5% by live weight of the catch retained on board in contravention of paragraph 9.11 of Annex III;
 - (b) any angel sharks are retained on board and are not promptly released unharmed to the extent practicable in contravention of paragraph 19 of Annex III; or
 - (c) redfish comprise more than 1% by live weight of the catch retained on board in contravention of paragraph 24(e) of Annex III.

Maximum landing size – spurdog/dogfish and porbeagle

6. A person in charge of a relevant fishing boat is guilty of an offence if the following maximum landing sizes are not adhered to in contravention of Annex IA:—
- (a) in respect of spurdog/dogfish (*Squalus acanthias*), 100 centimetres (total length); or
 - (b) in respect of porbeagle (*Lamna nasus*), 210 centimetres (fork length).

Offences

- 7.—(1) Where there is, in respect of any—
- (a) Scottish fishing boat wherever it may be; or
 - (b) Community fishing boat within the Scottish zone,

a contravention of, or failure to comply with, any Community quota measure, the person in charge of the fishing boat is guilty of an offence.

(2) Where there is, in respect of any third country fishing boat within the Scottish zone, a contravention of, or failure to comply with, the Community quota measures specified in entry 6.(a) to (l) in Schedule 1 or with any Community third country fishing measure, the person in charge of the fishing boat is guilty of an offence.

(3) Nothing in this Order shall be taken to constitute an offence to land, from a Scottish fishing boat, an unsorted catch at a harbour outwith Scotland where sampling programmes mentioned in Article 10.3 are in place.