

2015 No. 183

SEA FISHERIES

CONSERVATION OF SEA FISH

**The Outer Hebrides (Landing of Crabs and Lobsters) Order
2015**

<i>Made</i> - - - -	<i>28th April 2015</i>
<i>Laid before the Scottish Parliament</i>	<i>30th April 2015</i>
<i>Coming into force</i> - -	<i>29th May 2015</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1(1), (4) and (6), 6(1) and (3) and 20(1) of the Sea Fish (Conservation) Act 1967(a), and all powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Outer Hebrides (Landing of Crabs and Lobsters) Order 2015 and comes into force on 29th May 2015.

Interpretation

2. In this Order—

“the Act” means the Sea Fish (Conservation) Act 1967;

“foreign fishing boat” means any fishing boat other than a fishing boat which is either registered in the United Kingdom under Part II of the Merchant Shipping Act 1995(b) or is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act; and

“lobster” means lobster of the species *Homarus gammarus*.

(a) 1967 c.84 (“the 1967 Act”); section 1 was substituted by the Fisheries Act 1981 (c.29), section 19(1) and was amended by the Merchant Shipping Act 1988 (c.12), Schedule 6 and the Marine and Coastal Access Act 2009 (c.23) (“the 2009 Act”), section 194, which extends to Scotland by virtue of the Marine (Scotland) Act 2010 (asp 5) (“the 2010 Act”), section 158(1). Section 6(1) was amended by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (“S.I. 1999/1820”), Schedule 2, paragraph 43(6)(a). Sections 1 and 6 of the 1967 Act are modified in relation to Scotland by section 22A(2), (2A) and (7) of that Act. Section 22A was inserted by S.I. 1999/1820, Schedule 2, paragraph 43(13). Relevant modifications are contained in the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I. 1999/1748), article 5 and the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756), articles 3, 5 and 6. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 22(2) of the 1967 Act, which contains a definition of “the Ministers” was amended by the Fisheries Act 1981 (c.29), sections 19(2)(d) and (3) and 45. The definition was modified in relation to Scotland by section 22A(12)(b) of the 1967 Act.

(b) 1995 c.21.

Prescribed minimum size for landing velvet crabs in the Outer Hebrides

3.—(1) The Undersized Velvet Crabs Order 1989(a) is amended in accordance with paragraph (2).

(2) In article 2 (prescribed minimum size for landing velvet crabs and exemptions from landing prohibitions)—

(a) in paragraph (1), for “For” substitute “Subject to paragraph (1A), for”;

(b) after paragraph (1) insert—

“(1A) For the purposes of section 1(1) of the Act, in relation to landing in the Outer Hebrides, there is prescribed as the minimum size in relation to sea fish of the description of velvet crab a size of 70 millimetres.”; and

(c) in paragraph (2), for “paragraph (1)” substitute “paragraphs (1) and (1A)”.

Prescribed minimum size for landing edible crabs in the Outer Hebrides

4.—(1) The Undersized Edible Crabs (Scotland) Order 2000(b) is amended in accordance with paragraph (2).

(2) In Schedule 2 (minimum landing sizes), after the entry relating to the area of coast surrounding the Firth of Forth, insert—

“Column 1 Area of coast	Column 2 Prescribed minimum landing sizes
The coasts of the islands of the Outer Hebrides	Male edible crabs: 150mm Female edible crabs: 150mm”.

Prescribed minimum size for landing lobsters in the Outer Hebrides

5.—(1) The Undersized Lobsters (Scotland) Order 2000(c) is amended in accordance with paragraph (2).

(2) In article 3 (prescribed minimum size for landing lobsters)—

(a) in paragraph (1), for “For” substitute “Subject to paragraph (1A), for”;

(b) after paragraph (1) insert—

“(1A) For the purposes of section 1(1) of the Act, in relation to landing in the Outer Hebrides, there is prescribed as the minimum size for lobsters a size of—

(a) from 29th May 2015 to 28th May 2016, both dates inclusive, 88 millimetres;

(b) on or after 29th May 2016, 90 millimetres.”; and

(c) in paragraph (2), for “paragraph (1)” substitute “paragraphs (1) and (1A)”.

Prescribed maximum size for landing female lobsters in the Outer Hebrides

6.—(1) For the purposes of section 1(1) of the Act (which prohibits the landing in Scotland of any sea fish of any description, which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description), in relation to landing in the Outer Hebrides, there is prescribed as the maximum size in relation to sea fish of the description of female lobster a size of 145 millimetres.

(a) S.I. 1989/919.
(b) S.S.I. 2000/228.
(c) S.S.I. 2000/197.

(2) In this article, “size”, in relation to a lobster, means the length of the carapace parallel to the midline, from the back of either eye socket to the distal edge of the carapace and is to be measured as shown in Schedule 1.

(3) Landing from foreign fishing boats is exempted from the prohibition imposed by section 1(1) of the Act as read with paragraph (1).

Prohibition on landing crippled female lobsters caught in specified waters

7.—(1) The landing in Scotland of any crippled female lobster, caught in the waters specified in paragraph 2 of Schedule 2, is prohibited.

(2) In this article, “crippled female lobster” means a female lobster missing—

- (a) part of, or all of, its crusher claw; or
- (b) part of, or all of, its cutter claw.

(3) Landing from foreign fishing boats is excepted from the prohibition imposed by paragraph (1).

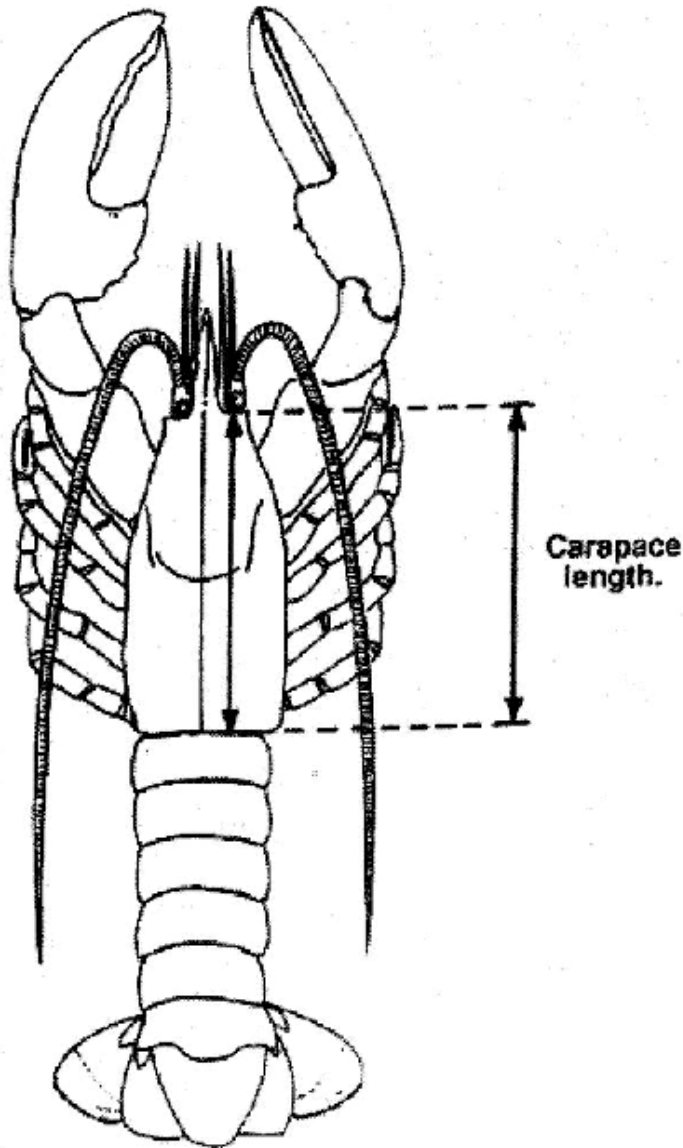
RICHARD LOCHHEAD
A member of the Scottish Government

St Andrew’s House,
Edinburgh
28th April 2015

SCHEDULE 1

Article 6(2)

MEASUREMENT OF THE SIZE OF A LOBSTER



SCHEDULE 2

Article 7(1)

DESCRIPTION OF THE SPECIFIED WATERS

Interpretation

1. In this Schedule—

- (a) “co-ordinate” means a co-ordinate defined on the World Geodetic 1984 Datum^(a); and
- (b) “Scottish inshore waters” means the area adjacent to the coast of Scotland and within the Scottish zone, and to the landward limit of six miles from the baseline from which the breadth of the territorial sea is measured, up to the mean high-water mark of ordinary spring tides.

Description of the specified waters

2.—(1) That part of Scottish inshore waters which is bounded by the lines (the topographical descriptions of which are provided in the fourth column of the following table) which join in sequential order the co-ordinates listed and identified in the first, second and third columns.

<i>Co-ordinate</i>	<i>North Latitude</i>	<i>West Longitude</i>	<i>Topographical description of boundary line</i>
1	58°40.31′	005°41.06′	Loxodrome
2	58°40.13′	005°41.04′	Loxodrome
3	58°37.29′	005°40.77′	Loxodrome
4	58°32.91′	005°39.67′	Loxodrome
5	58°31.48′	005°39.62′	Loxodrome
6	58°28.71′	005°40.57′	Loxodrome
7	58°28.31′	005°40.64′	Loxodrome
8	58°23.42′	005°44.40′	Loxodrome
9	58°20.09′	005°45.82′	Loxodrome
10	58°18.63′	005°45.87′	Loxodrome
11	58°11.76′	005°46.49′	Loxodrome
12	58°11.06′	005°47.07′	Loxodrome
13	58°08.09′	005°49.07′	Loxodrome
14	58°06.95′	005°49.79′	Loxodrome
15	58°05.96′	005°50.49′	Loxodrome
16	58°05.41′	005°50.97′	Loxodrome
17	58°03.91′	005°53.77′	Loxodrome
18	58°03.48′	005°54.49′	Loxodrome
19	58°01.91′	005°59.09′	Loxodrome
20	58°01.63′	005°59.69′	Loxodrome
21	57°59.28′	006°02.37′	Loxodrome
22	57°52.83′	006°04.10′	Loxodrome
23	57°50.90′	006°04.68′	Loxodrome
24	57°49.43′	006°05.35′	Loxodrome
25	57°49.18′	006°10.38′	Loxodrome

(a) Definitions of the World Geodetic System 1984 datum and co-ordinate reference system are available via EPSG GeodeticParameter Registry at EPSG:6326 (<http://epsg.io/6326-datum>) and EPSG:4326 (<http://epsg.io/4326>).

<i>Co-ordinate</i>	<i>North Latitude</i>	<i>West Longitude</i>	<i>Topographical description of boundary line</i>
26	57°48.53'	006°16.88'	Loxodrome
27	57°48.60'	006°18.02'	Loxodrome
28	57°48.83'	006°21.33'	Loxodrome
29	57°50.62'	006°26.28'	Loxodrome
30	57°50.77'	006°27.25'	Loxodrome
31	57°51.15'	006°30.28'	Loxodrome
32	57°50.96'	006°31.08'	Loxodrome
33	57°48.16'	006°34.86'	Loxodrome
34	57°45.60'	006°37.38'	Loxodrome
35	57°44.43'	006°37.91'	Loxodrome
36	57°43.55'	006°38.73'	Loxodrome
37	57°43.25'	006°38.93'	Loxodrome
38	57°42.26'	006°43.33'	Loxodrome
39	57°41.75'	006°44.58'	Loxodrome
40	57°40.72'	006°46.93'	Loxodrome
41	57°39.52'	006°48.68'	Loxodrome
42	57°38.77'	006°49.61'	Loxodrome
43	57°37.88'	006°50.29'	Loxodrome
44	57°36.25'	006°50.93'	Loxodrome
45	57°34.88'	006°53.08'	Loxodrome
46	57°34.45'	006°53.84'	Loxodrome
47	57°33.45'	006°54.76'	Loxodrome
48	57°32.08'	006°55.91'	Loxodrome
49	57°31.87'	006°56.06'	Loxodrome
50	57°31.52'	006°56.28'	Loxodrome
51	57°31.12'	006°56.41'	Loxodrome
52	57°30.15'	006°57.14'	Loxodrome
53	57°29.36'	006°57.53'	Loxodrome
54	57°26.18'	006°58.96'	Loxodrome
55	57°24.92'	006°59.29'	Loxodrome
56	57°23.68'	006°59.09'	Loxodrome
57	57°20.72'	006°58.44'	Loxodrome
58	57°20.62'	006°58.38'	Loxodrome
59	57°19.33'	006°57.08'	Loxodrome
60	57°18.57'	006°56.54'	Loxodrome
61	57°17.25'	006°55.83'	Loxodrome
62	57°15.92'	006°55.16'	Loxodrome
63	57°14.48'	006°54.78'	Loxodrome
64	57°12.29'	006°54.08'	Loxodrome
65	57°10.92'	006°52.91'	Loxodrome
66	57°10.77'	006°52.71'	Loxodrome
67	57°04.85'	006°54.84'	Loxodrome
68	57°03.55'	006°55.99'	Loxodrome
69	57°02.78'	006°56.54'	Loxodrome
70	57°01.17'	006°57.78'	Loxodrome

<i>Co-ordinate</i>	<i>North Latitude</i>	<i>West Longitude</i>	<i>Topographical description of boundary line</i>
71	56°56.37'	007°01.14'	Loxodrome
72	56°56.14'	007°01.24'	Loxodrome
73	56°54.57'	007°01.67'	Loxodrome
74	56°53.37'	007°01.92'	Loxodrome
75	56°51.25'	007°02.24'	Loxodrome
76	56°49.15'	007°02.34'	Loxodrome
77	56°47.47'	007°01.97'	Loxodrome
78	56°45.89'	007°05.89'	Loxodrome
79	56°45.09'	007°08.31'	Loxodrome
80	56°44.54'	007°10.12'	Loxodrome
81	56°43.19'	007°13.69'	Loxodrome
82	56°32.86'	007°29.30'	Loxodrome
83	56°30.97'	007°33.56'	Boundary line following the seaward limit of Scottish inshore waters
84	58°40.31'	005°41.06'	

(2) Those parts of Scottish inshore waters which are adjacent to the following Scottish islands (the centroid co-ordinates which are listed in the second and third columns of the following table) and are bounded to the north, east, south and west by the seaward limit of Scottish inshore waters.

<i>Island</i>	<i>North Latitude</i>	<i>West Longitude</i>
St Kilda (Hirta)	57°48.96'	008°35.53'
St Kilda (Boreray)	57°52.19'	008°29.45'
Sula Sgeir	59°05.73'	006°09.38'
North Rona	59°07.39'	005°49.56'
Flannan Isles (Eilean a Ghoba)	58°16.94'	007°38.90'
Flannan Isles (Eilean Mor)	58°17.15'	007°35.29'
Flannan Isles (Soraidh)	58°16.43'	007°35.34'

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Undersized Velvet Crabs Order 1989, the Undersized Edible Crabs (Scotland) Order 2000 and the Undersized Lobsters (Scotland) Order 2000 so as to prescribe minimum sizes for the landing of velvet crabs, edible crabs and lobsters in the Outer Hebrides (articles 3, 4 and 5).

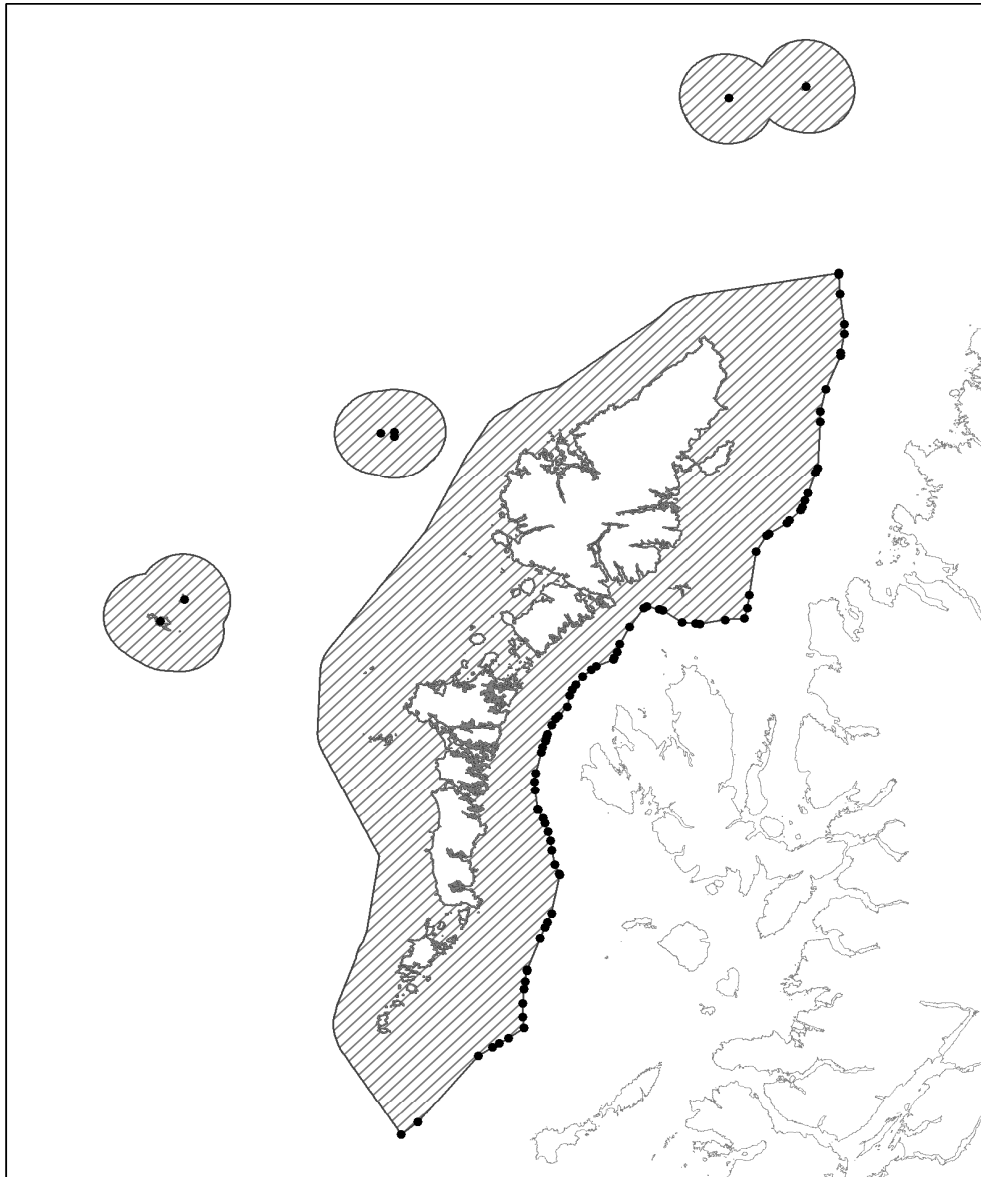
The Order also prescribes a maximum landing size for female lobsters in the Outer Hebrides (article 6).

The Order also prohibits the landing in Scotland of female lobsters with missing claws, caught in Scottish inshore waters surrounding the Outer Hebrides (article 7). These waters are shown on the illustrative map appended to this note.

The prescribed minimum and maximum landing sizes and the prohibition set out in article 7 apply only to landings from British fishing boats.

This Order is made in accordance with the procedure set out in Article 46 of Council Regulation (EC) No. 850/98 (OJ L 125, 27.4.1998, p.1) for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (“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.

Illustrative map referred to in the Explanatory Note to the Outer Hebrides (Landing of Crabs and Lobsters) (Scotland) Order 2015



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