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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 50**

**SEA FISHERIES**

CONSERVATION OF SEA FISH

The Orkney Islands (Landing of  
Crabs and Lobsters) Order 2016

<i>Made</i>	- - - -	<i>26th January 2016</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>28th January 2016</i>
<i>Coming into force</i>	- -	<i>7th March 2016</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<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Orkney Islands (Landing of Crabs and Lobsters) Order 2016 and comes into force on 7th March 2016.

**Interpretation**

2. In this Order—

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

“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<sup>(2)</sup> or is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act.

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(1) 1967 c.84 (“the Act”); section 1 was substituted by the Fisheries Act 1981 (c.29), section 19(1) and was relevantly amended by the Merchant Shipping Act 1995 (c.21), Schedule 13, paragraph 38(a) and the Marine and Coastal Access Act 2009 (c.23), section 194, which extends to Scotland by virtue of the Marine (Scotland) Act 2010 (asp 5), section 158(1). Section 6(1) was amended by S.I. 1999/1820, Schedule 2, paragraph 43(6)(a). Sections 1 and 6 of the Act are modified in relation to Scotland by section 22A(2), (2A) and (7) of the Act. Section 22A was inserted by S.I. 1999/1820, Schedule 2, paragraph 43(13). Relevant modifications are contained in S.I. 1999/1748, article 5 and 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 Act, which contains a definition of “the Ministers” was relevantly amended by the Fisheries Act 1981 (c.29), sections 19(2)(d) and (3) and 45 and by S.I. 1999/1820, Schedule 2, paragraph 43(12). The definition was modified in relation to Scotland by section 22A(12)(b) of the Act.

(2) 1995 c.21.

### **Prescribed minimum size for landing velvet crabs in the Orkney Islands**

3.—(1) The Undersized Velvet Crabs Order 1989<sup>(3)</sup> is amended in accordance with paragraph (2).

(2) In article 2 (prescribed minimum size for landing velvet crabs and exemptions from landing prohibitions), in paragraph (1A), after “Outer Hebrides” insert “and the Orkney Islands”.

### **Prescribed minimum size for landing lobsters in the Orkney Islands**

4.—(1) The Undersized Lobsters (Scotland) Order 2000<sup>(4)</sup> is amended in accordance with paragraph (2).

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

(a) in paragraph (1), for “paragraph (1A)” substitute “paragraphs (1A) and (1B)”;

(b) after paragraph (1A) insert—

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

(a) from 7th March 2016 to 6th March 2017, both dates inclusive, 88 millimetres;

(b) on or after 7th March 2017, 90 millimetres.”; and

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

### **Prescribed minimum size for landing green crabs in the Orkney Islands**

5.—(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 Orkney Islands, there is prescribed as the minimum size in relation to sea fish of the description of green crab a size of 70 millimetres.

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

(3) In this article—

“green crab” means crab of the species *Carcinus maenas*; and

“size”, in relation to a green crab, means the maximum width of the carapace (including the spines) measured perpendicular to the antero-posterior midline of the carapace and is to be measured in accordance with Schedule 1.

### **Prohibition on landing berried velvet crabs caught in specified waters**

6.—(1) The landing in Scotland of any berried velvet crab, caught in the waters specified in paragraph 2 of Schedule 2, is prohibited.

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

(3) In this article, “berried velvet crab” means a female velvet crab (of the species *Liocarcinus puber*) which is bearing eggs.

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(3) S.I. 1989/919. Article 2 was amended by S.S.I. 2015/183.

(4) S.S.I. 2000/197. Article 3 was amended by S.S.I. 2015/183.

St Andrew's House,  
Edinburgh  
26th January 2016

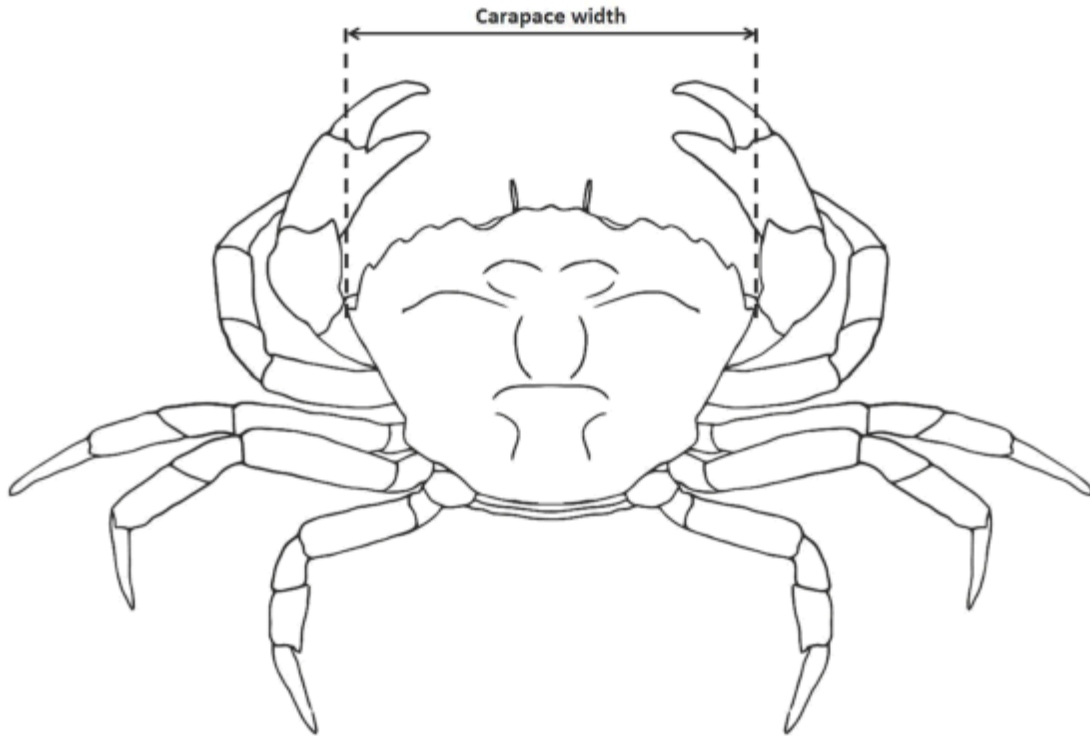
*RICHARD LOCHHEAD*  
A member of the Scottish Government

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SCHEDULE 1

Article 5(3)

MEASUREMENT OF THE SIZE OF A GREEN CRAB



SCHEDULE 2

Article 6(1)

DESCRIPTION OF THE SPECIFIED WATERS

**Interpretation**

1. In this Schedule—

“co-ordinate” means a co-ordinate defined on the World Geodetic 1984 Datum<sup>(5)</sup>; and  
“Scottish inshore waters” means the area adjacent to the coast of Scotland and within the Scottish zone, and to the landward of a 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.

<sup>(5)</sup> 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>).

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<i>Co-ordinate</i>	<i>North Latitude</i>	<i>West Longitude</i>	<i>Topographical description of boundary line</i>
1	58°38.70'	002°42.65'	Loxodrome
2	58°38.59'	002°57.18'	Loxodrome
3	58°39.86'	002°58.46'	Loxodrome
4	58°42.06'	003°01.84'	Loxodrome
5	58°44.16'	003°09.38'	Loxodrome
6	58°43.78'	003°11.19'	Loxodrome
7	58°42.89'	003°13.49'	Loxodrome
8	58°42.86'	003°14.51'	Loxodrome
9	58°43.84'	003°19.91'	Loxodrome
10	58°45.48'	003°30.04'	Seaward limit of Scottish inshore waters
11	58°38.70'	002°42.65'	

(2) Those parts of Scottish inshore waters which are adjacent to the following Scottish islands (the centroid co-ordinates of 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>
Sule Stack	59°01.44'	004°30.38'
Sule Skerry	59°05.12'	004°24.43'

### EXPLANATORY NOTE

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

This Order makes provision so as to prescribe minimum sizes for the landing of certain species of crabs and lobsters in the Orkney Islands; and so as to prohibit the landing in Scotland of a specified description of crab caught in waters surrounding the Orkney Islands.

Article 3 amends the Undersized Velvet Crabs Order 1989 so as to prescribe a minimum size (carapace width of 70 millimetres) for the landing of velvet crabs in the Orkney Islands.

Article 4 amends the Undersized Lobsters (Scotland) Order 2000 so as to prescribe a minimum size (carapace length of 88 millimetres, increasing to 90 millimetres) for the landing of lobsters in the Orkney Islands.

Article 5 prescribes a minimum size (carapace width of 70 millimetres) for the landing of green crabs in the Orkney Islands.

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Article 6 prohibits the landing in Scotland of egg-bearing female velvet crabs, caught in Scottish inshore waters surrounding the Orkney Islands. These waters are described in Schedule 2 and are shown on the illustrative map appended to this note.

The prescribed minimum landing sizes and the prohibition set out in article 6 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.

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### Illustrative map referred to in the Explanatory Note to The Orkney Islands (Landing of Crabs and Lobsters) Order 2016



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