

SCOTTISH STATUTORY INSTRUMENTS

2017 No. 455

SEA FISHERIES

CONSERVATION OF SEA FISH

**The Specified Crustaceans (Prohibition on
Landing, Sale and Carriage) (Scotland) Order 2017**

Made - - - - *19th December 2017*
Laid before the Scottish
Parliament - - - - *21st December 2017*
Coming into force - - *25th February 2018*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1(1), (2), (3B), (4) and (6), 6(1) and (3), 15(3), 20(1), 22(2) and 22A of the Sea Fish (Conservation) Act 1967 ^{M1}, section 1 of the Inshore Fishing (Scotland) Act 1984 ^{M2} and all other powers enabling them to do so.

Marginal Citations

- M1** 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) (“the 2010 Act”), section 158(1). Section 6(1) was amended by S.I. 1999/1820, schedule 2, paragraph 43(6)(a). Section 15(3) of the Act was substituted by the Sea Fisheries Act 1968 (c.77), section 22(5) and schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c.86), schedule 2, paragraph 16(1) and S.I. 1999/1820. Sections 1, 6, 15(3), 20 and 22(2) of the Act are modified in relation to Scotland by section 22A(2), (2A), (7), (10), (11) and (12) of the Act. Section 22A was inserted by S.I. 1999/1820, schedule 2, paragraph 43(13) and was amended by the 2010 Act, section 159. 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.
- M2** 1984 c.26 (“the 1984 Act”). Section 1 was amended by the Inshore Fishing (Scotland) Act 1994 (c.27) (“the 1994 Act”), section 1. The definition of “Scottish inshore waters” in section 9(1) of the 1984 Act was amended by section 4(2) of the 1994 Act. Sections 1 and 9(1) of the 1984 Act were also amended by S.I. 1999/1820.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017. (See end of Document for details)

Citation, commencement and application

1.—(1) This Order may be cited as the Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017 and comes into force on 25th February 2018.

(2) This Order applies only in relation to Scotland and the Scottish zone.

Interpretation

2. In this Order—

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

“co-ordinate” means a co-ordinate of latitude and longitude according to the World Geodetic System 1984 datum ^{M3}; and

F1 ...

F1 Words in art. 2 omitted (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(a), Sch. 2 para. 29(2) (with s. 50, Sch. 4 para. 31)

Marginal Citations

M3 The World Geodetic System 1984 datum is defined at paragraph 2.1 of the United States National Imagery and Mapping Agency Technical Report TR8350.2, third edition, amendment 1 of 3rd January 2000 entitled “Department of Defense World Geodetic System 1984” (<http://earth-info.nga.mil/GandG/publications/tr8350.2/wgs84fin.pdf>).

Prescribed minimum size for landing edible crabs in Scotland

3.—(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), there is prescribed as the minimum size in relation to sea fish of the description of edible crab a size of 150 millimetres.

[^{F2}(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.]

(3) Landing into the Shetland Islands is exempted from the prohibition imposed by section 1(1) of the Act, as read with paragraph (1).

(4) In this article—

“edible crab” means crab of the species *Cancer pagurus*; and

“size”, in relation to an edible crab, means the maximum width of the carapace, measured perpendicular to the antero-posterior midline of the carapace, as shown in schedule 1.

F2 Art. 3(2) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(a), Sch. 2 para. 29(3) (with s. 50, Sch. 4 para. 31)

Prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of velvet crabs

4.—(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), there is prescribed as the minimum size in relation to sea fish of the description of velvet crab a size of 70 millimetres.

(2) For the purposes of section 1(2) of the Act (which prohibits in Scotland the sale, exposure or offer for sale or possession for the purpose of sale 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), there is prescribed as the minimum size in relation to sea fish of the description of velvet crab a size of 70 millimetres.

(3) For the purposes of section 1(3B) of the Act (which prohibits the carriage on specified fishing boats 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) there is prescribed as the minimum size in relation to sea fish of the description of velvet crab a size of 70 millimetres.

(4) It is prohibited for a relevant British fishing boat within the Scottish zone [^{F3}, or a foreign fishing boat within the Scottish zone,] to carry any velvet crab with a size of less than 70 millimetres.

(5) The landing in Scotland of any berried velvet crab, caught in the territorial sea of the United Kingdom adjacent to Scotland, is prohibited.

[^{F4}(6) The prohibitions imposed by—

- (a) section 1(1) of the Act, as read with paragraph (1), and
- (b) paragraphs (4) and (5),

do not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.

(7) The prohibition imposed by section 1(2) of the Act, as read with paragraph (2), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.]

(8) In this article—

“berried velvet crab” means a female velvet crab which is bearing eggs;

“size” in relation to a velvet crab, means the width of the carapace measured across the broadest part, excluding spines, of the back, as shown in schedule 2;

“the territorial sea of the United Kingdom adjacent to Scotland” means waters which are treated as the territorial sea of the United Kingdom adjacent to Scotland, within the boundaries described in article 3 and schedule 1 of the Scottish Adjacent Waters Boundaries Order 1999 ^{M4}; and

“velvet crab” means crab of the species *Necora puber*.

F3 Words in art. 4(4) inserted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(a), Sch. 2 para. 29(4) (a) (with s. 50, Sch. 4 para. 31)

F4 Art. 4(6)(7) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(a), Sch. 2 para. 29(4)(b) (with s. 50, Sch. 4 para. 31)

Marginal Citations

M4 S.I. 1999/1126.

Prescribed minimum size for landing spider crabs in Scotland

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), there is prescribed as the minimum size in relation to sea fish of the description of male spider crab a size of 130 millimetres.

[^{F5}(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017. (See end of Document for details)

(3) In this article—

“size”, in relation to a spider crab, means the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace and is to be measured as shown in schedule 3; and

“spider crab” means crab of the species *Maja squinado*.

F5 Art. 5(2) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(a), Sch. 2 para. 29(5) (with s. 50, Sch. 4 para. 31)

Prescribed minimum size for landing green crabs in the Orkney Islands

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 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.

[^{F6}(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.]

(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 as shown in schedule 4.

F6 Art. 6(2) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(a), Sch. 2 para. 29(6) (with s. 50, Sch. 4 para. 31)

Prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of lobsters

7.—(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 areas of coast specified in paragraph (2), there is prescribed as the minimum size in relation to sea fish of the description of lobster a size of 90 millimetres.

(2) The areas of coast are—

- (a) the coasts of the islands of the Orkney Islands;
- (b) the coasts of the islands of the Outer Hebrides.

(3) For the purposes of section 1(1) of the Act, in relation to landing in the west coast of mainland Scotland, stretching in a generally westerly and southerly direction from Cape Wrath at co-ordinate 58°37.642' north latitude 005°00.295' west longitude to the point at which the west coast of mainland Scotland intersects with the line of 55 degrees north latitude, there is prescribed as the minimum size in relation to sea fish of the description of lobster—

- (a) from 25th February 2018 to 24th February 2019, both dates inclusive, a size of 88 millimetres;
- (b) on or after 25th February 2019, a size of 90 millimetres.

(4) For the purposes of section 1(1) of the Act, in relation to landing in any other part of the coastline of Scotland except the coasts of the islands of the Shetland Islands and those areas specified

in paragraphs (2) and (3), there is prescribed as the minimum size in relation to sea fish of the description of lobster a size of 87 millimetres.

(5) For the purposes of section 1(1) of the Act, in relation to landing in any of the areas of coast specified in paragraph (6), there is prescribed as the maximum size in relation to sea fish of the description of female lobster a size of 155 millimetres.

(6) The areas of coast are—

- (a) the coasts of the Shetland Islands;
- (b) the coasts of the Orkney Islands.

(7) For the purposes of section 1(1) of the Act, in relation to landing in any other part of the coastline of Scotland except those areas specified in paragraph (6), there is prescribed as the maximum size in relation to sea fish of the description of female lobster a size of 145 millimetres.

(8) For the purposes of section 1(2) of the Act (which prohibits in Scotland the sale, exposure or offer for sale or possession for the purpose of sale 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), there is prescribed as the minimum size in relation to sea fish of the description of lobster a size of 87 millimetres.

(9) For the purposes of section 1(3B) of the Act (which prohibits the carriage on specified fishing boats 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), there is prescribed as the minimum size in relation to sea fish of the description of lobster a size of 87 millimetres.

(10) It is prohibited for a relevant British fishing boat within the Scottish zone [^{F7}, or a foreign fishing boat within the Scottish zone,] to carry any sea fish of the description of lobster with a size of less than 87 millimetres.

(11) It is prohibited to land in Scotland any sea fish of the description of crippled female lobster, caught in the waters described in schedule 6.

[^{F8}(12) The prohibitions imposed by—

- (a) section 1(1) of the Act, as read with paragraphs (1) to (7), and
- (b) paragraph (10),

do not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.

(13) The prohibition imposed by section 1(2) of the Act, as read with paragraph (8), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.]

(14) In this article—

“crippled female lobster” means a female lobster missing part or all of its crusher claw, or part or all of its cutter claw;

“lobster” means lobster of the species *Homarus gammarus*; and

“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 in accordance with schedule 5.

F7 Words in art. 7(10) inserted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(a), Sch. 2 para. 29(7) (a) (with s. 50, Sch. 4 para. 31)

F8 Art. 7(12)(13) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(a), Sch. 2 para. 29(7) (b) (with s. 50, Sch. 4 para. 31)

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017. (See end of Document for details)

Revocations

8.—(1) The following Orders are revoked:—

- (a) the Undersized Lobsters (Scotland) Order 2000 ^{M5};
- (b) the Undersized Spider Crabs (Scotland) Order 2000 ^{M6};
- (c) the Undersized Edible Crabs (Scotland) Order 2000 ^{M7};
- (d) the Outer Hebrides (Landing of Crabs and Lobsters) Order 2015 ^{M8};
- (e) the Orkney Islands (Landing of Crabs and Lobsters) Order 2016 ^{M9}.

(2) The Undersized Velvet Crabs Order 1989 ^{M10} is revoked in relation to Scotland and the Scottish zone.

(3) Article 9 of the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004 ^{M11} (prohibition of fishing for lobsters) is revoked.

Marginal Citations

- M5** S.S.I. 2000/197, as amended by S.S.I. 2015/183 and S.S.I. 2016/50.
- M6** S.S.I. 2000/198.
- M7** S.S.I. 2000/228, as amended by S.S.I. 2015/183.
- M8** S.S.I. 2015/183.
- M9** S.S.I. 2016/50.
- M10** S.I. 1989/919, as relevantly amended by S.S.I. 2015/183 and S.S.I. 2016/50.
- M11** S.S.I. 2004/276.

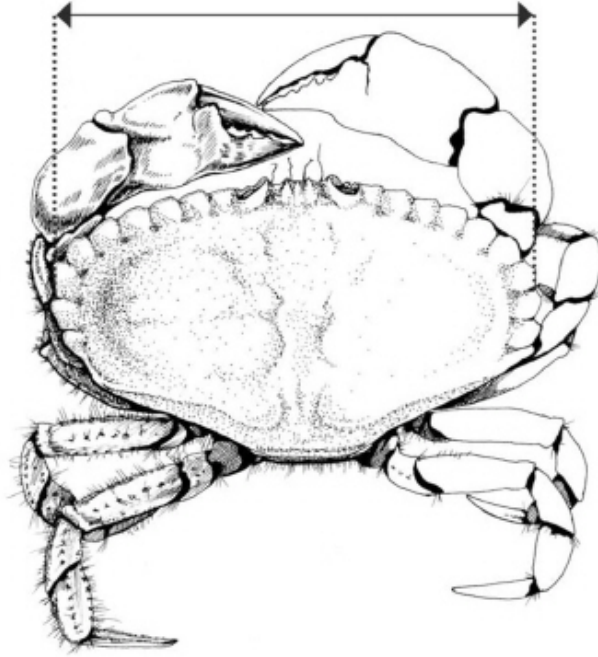
St Andrew's House,
Edinburgh

FERGUS EWING
A member of the Scottish Government

SCHEDULE 1

Article 3(4)

MEASUREMENT OF THE SIZE OF AN EDIBLE CRAB



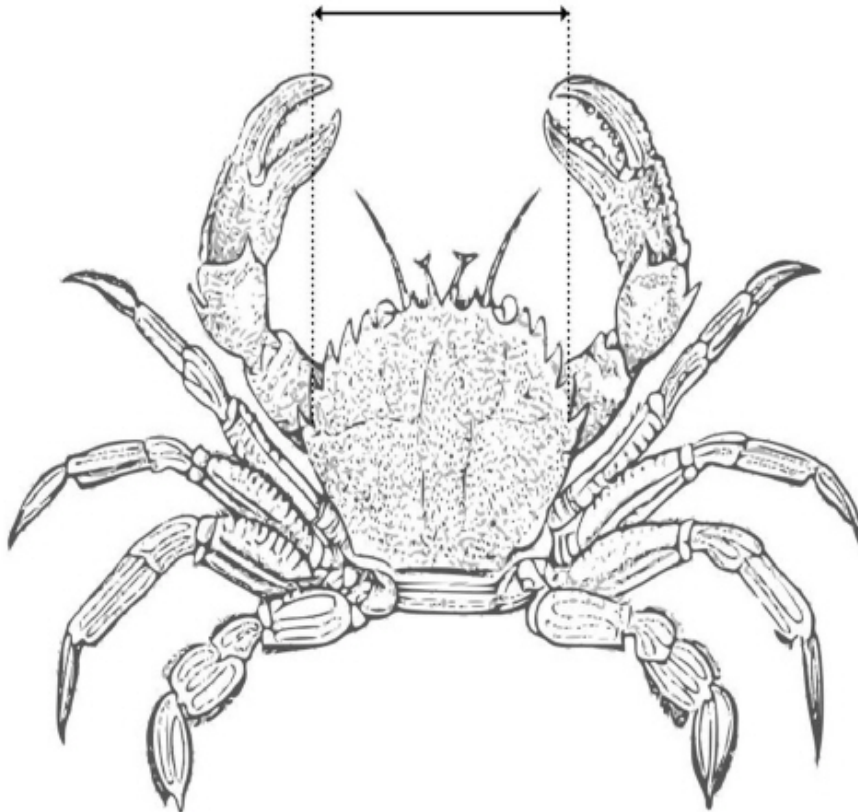
Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017. (See end of Document for details)

SCHEDULE 2

Article 4(8)

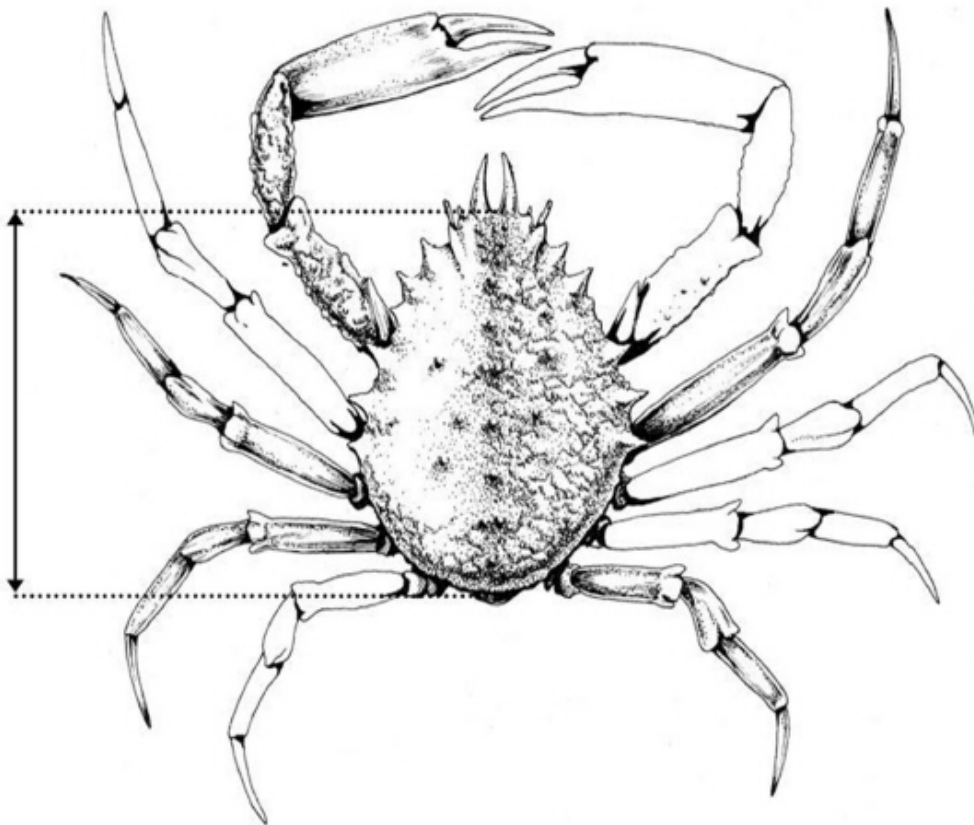
MEASUREMENT OF THE SIZE OF A VELVET CRAB



SCHEDULE 3

Article 5(3)

MEASUREMENT OF THE SIZE OF A SPIDER CRAB



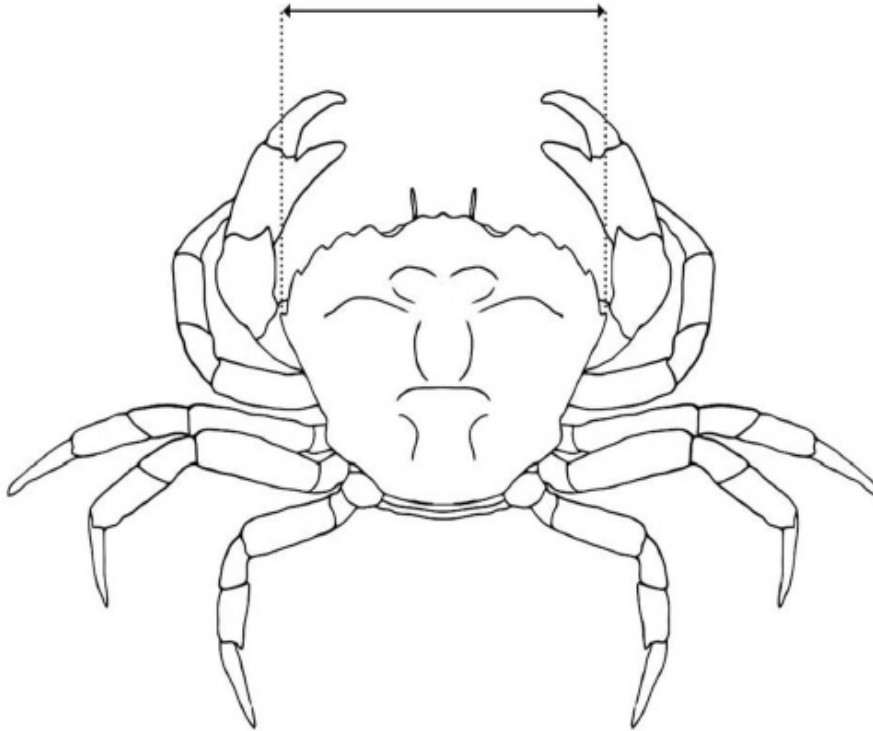
Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017. (See end of Document for details)

SCHEDULE 4

Article 6(3)

MEASUREMENT OF THE SIZE OF A GREEN CRAB



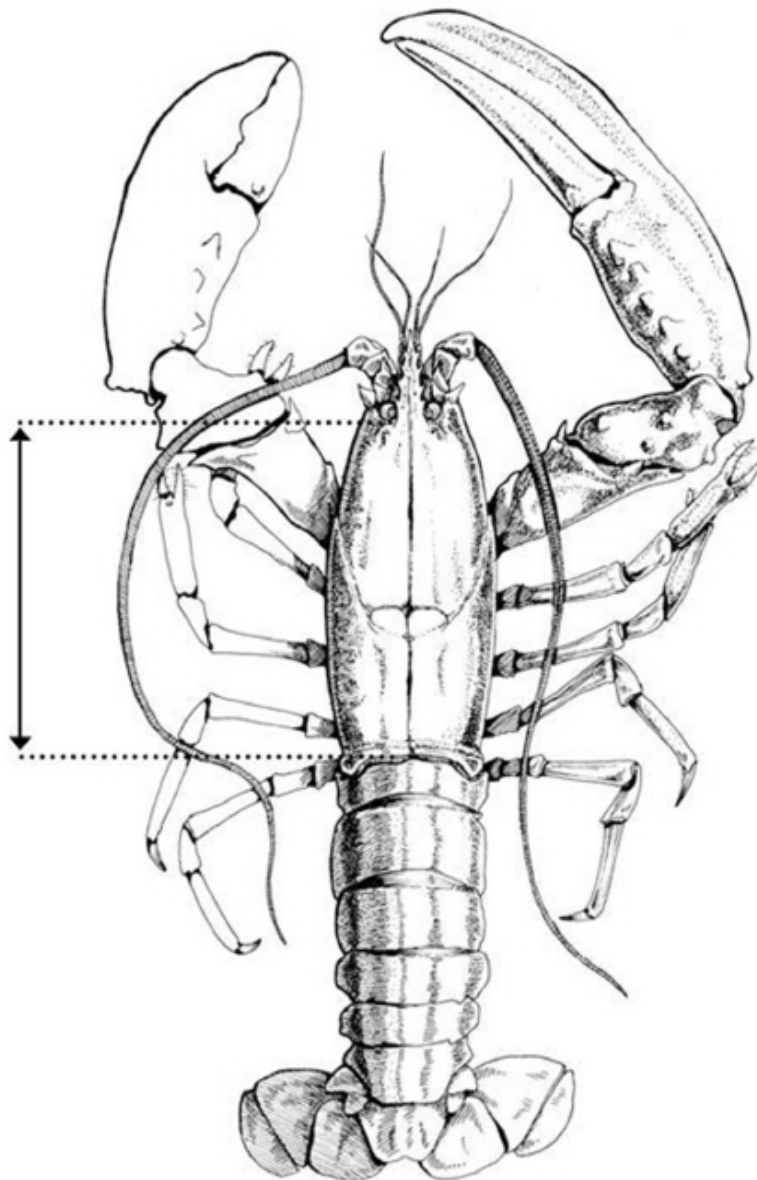
Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017. (See end of Document for details)

SCHEDULE 5

Article 7(14)

MEASUREMENT OF THE SIZE OF A LOBSTER



Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017. (See end of Document for details)

SCHEDULE 6

Article 7(11)

DESCRIPTION OF THE SPECIFIED WATERS

Interpretation

1. In this schedule—

“miles” means international nautical miles of 1,852 metres; 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.

<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

Changes to legislation: There are currently no known outstanding effects for the The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017. (See end of Document for details)

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
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

Status: Point in time view as at 31/12/2020.**Changes to legislation:** There are currently no known outstanding effects for the The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017. (See end of Document for details)

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
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 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>
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 makes provisions regarding fishing for, landing, sale, exposure or offer for sale and possession for the purposes of sale and carriage of specified crustaceans in Scotland and the Scottish zone.

The Order revokes, replaces and remakes with amendments the provisions of the Undersized Lobsters (Scotland) Order 2000 (S.S.I. 2000/197), the Undersized Spider Crabs (Scotland) Order 2000 (S.S.I. 2000/198), the Undersized Edible Crabs (Scotland) Order 2000 (S.S.I. 2000/228), the Outer Hebrides (Landing of Crabs and Lobsters) Order 2015 (S.S.I. 2015/183) and the Orkney Islands (Landing of Crabs and Lobsters) Order 2016 (S.S.I. 2016/50). The Undersized Velvet Crabs Order 1989 (S.I. 1989/919) is revoked and replaced in relation to Scotland and the Scottish zone.

Article 3(1) of the Order prescribes a minimum size for the landing of edible crab in Scotland. Article 3(2) provides that there is an exemption from this minimum landing size in relation to landings from foreign fishing boats. Article 3(3) provides for an additional exemption in relation to landings of edible crab in the Shetland Islands. The effect of this provision, as combined with section 1(1) of the Sea Fish (Conservation) Act 1967 (“the 1967 Act”), is to prohibit the landing in all of Scotland (except the Shetland Islands) of edible crab which do not meet the requirements as to minimum size. The minimum size for the landing of edible crab in the Shetlands Islands remains prescribed by Article 19(1) and Annex XII of Council Regulation (EC) No 850/98 (OJ No 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 4(1) of the Order prescribes a minimum size for the landing of velvet crab in Scotland. The effect of this provision, as combined with section 1(1) of the 1967 Act, is to prohibit the landing in Scotland of velvet crab which do not meet the requirements as to minimum size. Article 4(2) prescribes a minimum size for the sale, exposure or offer for sale or possession in Scotland. The effect of this provision, as combined with section 1(2) of the 1967 Act, is to prohibit the selling, exposure or offering for sale or possession of any velvet crab in Scotland which does not meet the requirements as to minimum size. Article 4(3) and (4) prohibits UK fishing boats other than Scottish fishing boats from carrying velvet crabs within the Scottish zone if they measure less than a prescribed minimum size. A similar prohibition applies to Scottish fishing boats, by virtue of article 4(3) and section 1(3B) of the 1967 Act. Article 4(5) prohibits the landing in Scotland of any berried velvet crab which is caught in the territorial sea (0 – 12 nautical mile limits) of the UK adjacent to Scotland. Article 4(6) and (7) provides for exemptions to these prohibitions in relation to landings from foreign fishing boats.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the *The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017*. (See end of Document for details)

Article 5(1) of the Order prescribes a minimum size for the landing of male spider crab in Scotland. Article 5(2) provides that there is an exemption from this minimum landing size in relation to landings from foreign fishing boats. The effect of this provision, as combined with section 1(1) of the 1967 Act, is to prohibit the landing in Scotland of any male spider crab which does not meet the requirements as to minimum size.

Article 6(1) of the Order prescribes a minimum size for the landing of green crab in the Orkney Islands. Article 6(2) provides that there is an exemption from this minimum landing size in relation to landings from foreign fishing boats. The effect of this provision, as combined with section 1(1) of the 1967 Act, is to prohibit the landing in Scotland of any green crab which does not meet the requirements as to minimum size.

Article 7(1), (2), (3) and (4) of the Order prescribes minimum sizes for the landing of lobster in different parts of Scotland. Article 7(5), (6) and (7) of the Order prescribes maximum sizes for the landing of female lobster in different parts of Scotland. The effect of these provisions, as combined with section 1(1) of the 1967 Act, is to prohibit the landing in Scotland of lobster which do not meet the relevant requirements as to minimum or maximum size. Article 7(8) prescribes a minimum size for the sale, exposure or offer for sale or possession in Scotland. The effect of this provision, as combined with section 1(2) of the 1967 Act, is to prohibit the selling, exposure or offering for sale or possession of any lobster in Scotland which does not meet the requirements as to minimum size. Article 7(9) and (10) prohibits UK fishing boats other than Scottish fishing boats from carrying lobster within the Scottish zone if they measure less than a prescribed minimum size. A similar prohibition applies to Scottish fishing boats, by virtue of article 7(9) and section 1(3B) of the 1967 Act. Article 7(11) prohibits the landing in Scotland of any female lobster with a missing or partly missing crusher or cutter claw which is caught in specified inshore waters around the Outer Hebrides. Schedule 6 specifies the geographical extent of these waters. Article 7(12) and (13) provide for exemptions to these prohibitions in relation to landings from foreign fishing boats.

Schedules 1, 2, 3, 4 and 5 include diagrams which demonstrate how an edible crab, a velvet crab, a spider crab, a green crab and a lobster, respectively, are to be measured to determine its size.

Offences and penalties are prescribed in section 1(7) and (8), section 6(5) and section 11 of the 1967 Act. Common enforcement powers are set out in Part 3 of the Aquaculture and Fisheries (Scotland) Act 2013 (asp 7) and Part 7 of the Marine (Scotland) Act 2010 (asp 5).

This Order is made in accordance with the procedure set out in Article 46 of the Council Regulation which authorises Member States to take certain national measures for the conservation and management of local stocks.

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017.