

## SCOTTISH STATUTORY INSTRUMENTS

### 2017 No. 455

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

#### 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<sup>M1</sup>; and

<sup>F1</sup> ...

**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

**M1** 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.

[<sup>F2</sup>(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 [<sup>F3</sup>, 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.

[<sup>F4</sup>(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<sup>M2</sup>; 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

M2 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.

[<sup>F5</sup>(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—

“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.

[<sup>F6</sup>(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 [<sup>F7</sup>, 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.

- [<sup>F8</sup>(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)

## Revocations

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

- (a) the Undersized Lobsters (Scotland) Order 2000 <sup>M3</sup>;
- (b) the Undersized Spider Crabs (Scotland) Order 2000 <sup>M4</sup>;
- (c) the Undersized Edible Crabs (Scotland) Order 2000 <sup>M5</sup>;
- (d) the Outer Hebrides (Landing of Crabs and Lobsters) Order 2015 <sup>M6</sup>;
- (e) the Orkney Islands (Landing of Crabs and Lobsters) Order 2016 <sup>M7</sup>.

(2) The Undersized Velvet Crabs Order 1989 <sup>M8</sup> 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 <sup>M9</sup> (prohibition of fishing for lobsters) is revoked.

### Marginal Citations

- M3** S.S.I. 2000/197, as amended by S.S.I. 2015/183 and S.S.I. 2016/50.
- M4** S.S.I. 2000/198.
- M5** S.S.I. 2000/228, as amended by S.S.I. 2015/183.
- M6** S.S.I. 2015/183.
- M7** S.S.I. 2016/50.
- M8** S.I. 1989/919, as relevantly amended by S.S.I. 2015/183 and S.S.I. 2016/50.
- M9** S.S.I. 2004/276.

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**Changes to legislation:**

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