



Marine (Scotland) Act 2010

2010 asp 5

PART 8

SEA FISHERIES

159 Modification of section 22A of Sea Fish (Conservation) Act 1967

- (1) Section 22A (application to Scotland) of the Sea Fish (Conservation) Act 1967 is modified as follows.
- (2) In subsection (2) after “sections” insert “1(3B) and (9), 5(8).”.
- (3) After subsection (2) insert—

“(2A) In section 1—

- (a) for subsections (3) and (3A) substitute—

“(3B) Sea fish of any description which do not meet the requirements as to size prescribed in relation to sea fish of that description by an order of the Scottish Ministers must not be carried, whether within or outside the Scottish zone, on a Scottish fishing boat; and an order under this subsection may prohibit the carrying by a relevant British fishing boat or a foreign vessel in the Scottish zone of sea fish of any description prescribed by the order which do not meet the requirements as to size so prescribed in relation to sea fish of that description.”,

- (b) in subsection (8) for “(3)” substitute “(3B)”,
- (c) for subsection (9) substitute—

“(9) In this section—

“foreign vessel” means any vessel other than a relevant British fishing boat or a Scottish fishing boat,

“relevant British fishing boat” means a vessel, other than a Scottish fishing boat, which—

- (a) is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 (c.21), or

Status: This is the original version (as it was originally enacted).

- (b) is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act.”.

(2B) In section 3—

- (a) in subsection (2A) for “adjacent to England and Wales” substitute “of the United Kingdom adjacent to Scotland”,
- (b) for subsection (2B) substitute—

“(2B) In subsection (2A) above—

- (a) the Scottish Ministers are “the appropriate national authority”,
- (b) the boundaries between the parts of the territorial sea of the United Kingdom adjacent to Scotland and the parts not so adjacent are to be determined by reference to an Order in Council made under section 126(2) of the Scotland Act 1998 (c.46) to the extent that the Order in Council is expressed to apply for the purposes of that Act.”.

(4) For subsection (6) substitute—

“(6) In section 5—

- (a) in subsection (1), for “appropriate national authority” substitute “Scottish Ministers”,
- (b) for subsection (8) substitute—

“(8) An order under this section may make provision—

- (a) applying to Scottish fishing boats whether within or outside the Scottish zone,
- (b) in any other case, applying to fishing boats within the Scottish zone.”.

(5) After subsection (9) insert—

“(9A) In section 11(1)(a), for “4(3), (6) or (9A)” substitute “4(3) or (6)”.