

2003 No. 404

SEA FISHERIES

The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 2003

<i>Made</i>	<i>2nd September 2003</i>
<i>Laid before the Scottish Parliament</i>	<i>2nd September 2003</i>
<i>Coming into force</i>	<i>23rd September 2003</i>

The Scottish Ministers, in exercise of the powers conferred by section 1 of the Inshore Fishing (Scotland) Act 1984(a) and of all other powers enabling them in that behalf, and having consulted such bodies as they consider appropriate, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 2003 and shall come into force on 23rd September 2003.

Amendment of the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 1989

2.—(1) The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 1989(b) is amended as follows.

(2) In article 2 (interpretation)—

(a) before the definition of “sea fish” insert—

““a parlour creel” means a basket, small cage, pot, receptacle or container covered by netting which may be baited and is placed on the seabed for the purpose of catching shellfish and which has at least two compartments, entry to one or more of which is likely to be gained only through an internal connection from another compartment;”;

and

(b) after the definition of “single trawl”(c) insert—

““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;”.

(3) After article 5 insert—

“Prohibition of fishing for sea fish with parlour creels

5A. Fishing for any species of sea fish with a parlour creel which has a mesh size of less than 60 millimetres is prohibited.”.

(a) 1984 c.26. Section 1 was amended by the Inshore Fishing (Scotland) Act 1994 (c.27), section 1 and by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), article 4 and Schedule 2, paragraph 72.
(b) S.I. 1989/2307 amended by S.I. 1994/326, 1996/1475, 1999/751 and S.S.I. 2001/174.
(c) The definition of “single trawl” was inserted by S.S.I. 2001/174, article 2(2).

(4) After article 7 insert—

“Prohibition of fishing for lobsters

8.—(1) Subject to paragraph (2) below, fishing for lobsters (*Homarus gammarus*) within Scottish inshore waters is prohibited.

(2) The prohibition in paragraph (1) above shall not apply to male lobsters of 87 millimetres or more in size or to female lobsters between 87 millimetres and 155 millimetres, inclusive, in size.”(a).

(5) In Schedule 2 (prohibition of creel fishing) after item 3(b) insert item 4 as set out in the Schedule to this Order.

ROSS FINNIE

A member of the Scottish Executive

St Andrew’s House
Edinburgh
2nd September 2003

(a) A previous article 8 was deleted by S.I. 1999/751, article 2.
(b) Item 3 was inserted by S.S.I. 2001/174, article 2(4).

SCHEDULE

ITEM TO BE ADDED TO SCHEDULE 2 TO THE INSHORE FISHING
(PROHIBITION OF FISHING AND FISHING METHODS) (SCOTLAND) ORDER
1989

<i>Column 1 Item</i>	<i>Column 2 Area within which prohibition applies</i>	<i>Column 3 Period of prohibition of creel fishing (all dates inclusive)</i>
4.	<p>Northern Barra, South Uist, Benbecula, North Uist and Harris, being the area within the aftermentioned boundaries:</p> <p>from a point on the west of Barra at 57°North latitude and 07°30.9'West longitude travelling in a westerly direction at a bearing of 270° true to the point of the limit of 6 miles from the baseline from which the breadth of the territorial sea is measured (the southern boundary);</p> <p>from 57°North latitude and 07°30.9'West longitude northwards along the west coast of Barra to a point at 57°03.5'North latitude and 07°27.3'West longitude and then in a straight northerly line to 57°07.9'North latitude and 07°24.6'West longitude then in a northerly direction along the west coast of South Uist, Benbecula and North Uist to a point at 57°39.5'North latitude and 07°29.5'West longitude then in a straight north-easterly line to a point on the Island of Pabbay at 57°46.2'North latitude and 07°15.9'West longitude then northwards along the north-west coast of that Island to a point at 57°40'North latitude and 07°14.35'West longitude then in a straight north-easterly line to a point at 57°50.25'North latitude and 07°07.95'West longitude then northwards along the west coast of Harris to a point at 58°North latitude and 07°05.5'West longitude (the eastern boundary);</p> <p>from Harris Shore at 58°North latitude and 07°05.5'West longitude travelling in a westerly direction at a bearing of 270° true to the point of the limit of 6 miles from the baseline from which the breadth of the territorial sea is measured (the northern boundary);</p> <p>from the most westerly point on that boundary described above and referred to as the northern boundary travelling in a southerly direction, maintaining a distance of 6 miles from the baseline from which the breadth of the territorial sea is measured, until joining the most westerly point on that boundary described above and referred to as the southern boundary (the western boundary).</p>	1st November to 31st December in each year and 1st January to 31st March in each year.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 1989 by—

- (a) inserting definitions of “parlour creel” and “size” in the interpretation provision (article 2(2));
- (b) prohibiting fishing for sea fish within Scottish inshore waters by parlour creel with a mesh size smaller than 60 millimetres (article 2(3));
- (c) prohibiting fishing for lobsters within Scottish inshore waters, with the exception of lobsters of a specified size (article 2(4);
- (d) introducing a seasonal prohibition on fishing by creel off Northern Barra, South Uist, Benbecula, North Uist and Harris (article 2(5) and the Schedule).

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