

SCHEDULE 1

Article 2

Relevant offences for the purposes of section 25(1)
of the Aquaculture and Fisheries (Scotland) Act 2007

PART 1

Enactments under or by virtue of which relevant offences are created

| <i>Enactment</i> | <i>Offence provision</i> |
|--|--|
| Sea Fish (Conservation) Act 1967 (1) | Sections 4(6), 4(7A), 4A(6), 4A(7), 4A(8) |
| Sea Fish (Shellfish) Act 1967 (2) | Section 17(1) |
| Fishery Limits Act 1976 (3) | Section 2(5) |
| Fisheries Act 1981 (4) | Section 30(1)(a) |
| Inshore Fishing (Scotland) Act 1984 (5) | Section 4 |
| The Foreign Fishing Boats (Stowage of Gear) Order 1970 (6) | Article 3 as read with section 5(4) of the Sea Fisheries Act 1968 (7) |
| Salmon and Migratory Trout (Prohibition of Fishing) (No. 2) (Scotland) Order 1972 (8) | Article 3 as read with section 5(7) of the Sea Fish (Conservation) Act 1967 |
| Salmon and Migratory Trout (Restrictions on Landing) Order 1972 (9) | Article 3 as read with section 6(5) of the Sea Fish (Conservation) Act 1967 |
| The Molluscan Shellfish (Control of Deposit) Order 1974 (10) | Article 5 as read with section 14(2) of the Sea Fisheries (Shellfish) Act 1967 |
| Lobsters (Control of Deposit) Order 1981 (11) | Article 6 as read with section 14(2) of the Sea Fisheries (Shellfish) Act 1967 |
| Lobsters (Control of Importation) Order 1981 (12) | Article 5 as read with section 14(2) of the Sea Fisheries (Shellfish) Act 1967 |
| Receiving of Trans-shipped Sea Fish (Licensing) Order 1982 (13) | Article 3 as read with section 4A(3) of the Sea Fish (Conservation) Act 1967 |
| Sea Fishing (Enforcement of Community Licensing Measures) (North of Scotland Box) Order 1984 (14) | Article 3 |

(1) 1967 c. 84.

(2) 1967 c. 83.

(3) 1976 c. 86.

(4) 1981 c. 29; section 30(1) was amended by the [Aquaculture and Fisheries \(Scotland\) Act 2007](#), asp 12, section 33.

(5) 1984 c. 26; section 4 was amended by the Inshore Fishing (Scotland) Act 1994 (c. 27), section 2.

(6) S.I.1970/318.

(7) 1968 c. 77.

(8) 1973/207; article 3 was amended by S.I. 1983/60, article 2.

(9) 1972/1966; article 3 was amended by S.I. 1983/58, article 2.

(10) S.I. 1974/1555.

(11) S.I. 1981/994.

(12) S.I. 1981/995.

(13) S.I. 1982/80; article 3 was substituted by S.I. 1983/1139, article 2.

(14) S.I. 1984/291.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Enactment</i> | <i>Offence provision</i> |
|---|--|
| Undersized Scallops (West Coast) Order 1984 (15) | Article 2 as read with section 1(7) of the Sea Fish (Conservation) Act 1967 |
| Scallops (Irish Sea) (Prohibition of Fishing) Order 1984 (16) | Article 2 as read with section 5(7) of the Sea Fish (Conservation) Act 1967 |
| Inshore Fishing (Salmon and Migratory Trout) (Prohibition of Gill Nets) (Scotland) Order 1986 (17) | Article 3 as read with section 4 of the Inshore Fishing (Scotland) Act 1984 |
| Undersized Velvet Crabs Order 1989 (18) | Articles 2(1) and 3(1) as read with section 1(7) of the Sea Fish (Conservation) Act 1967 and article 4 as read with section 1(8) of that Act |
| Sandeels Licensing Order 1989 (19) | Article 2 as read with section 4(3) of the Sea Fish (Conservation) Act 1967 |
| Undersized Bass Order 1989 (20) | Article 3 as read with section 1(7) of the Sea Fish (Conservation) Act 1967 |
| Sea Fish (Specified Manx Waters) Licensing Order 1990 (21) | Article 3 as read with section 4(3) of the Sea Fish (Conservation) Act 1967 |
| Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1990 (22) | Article 3 as read with section 6(5) of the Sea Fish (Conservation) Act 1967 |
| Sea Fish Licensing Order 1992 (23) | Article 3 as read with section 4(3) of the Sea Fish (Conservation) Act 1967 |
| Fishing Boats (Marking and Documentation) (Enforcement) Order 1993 (24) | Article 3 |
| Inshore Fishing (Monofilament Gill Nets) (Scotland) Order 1996 (25) | Articles 2 and 3(1) as read with section 4(1) and (1A) of the Inshore Fishing (Scotland) Act 1984 |
| Food Protection (Emergency Prohibitions) (Dounreay Nuclear Establishment) Order 1997 (26) | Articles 4, 5 and 6 as read with section 1(6) of the Food and Environment Protection Act 1985 (27) |
| The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1999 (28) | Article 3 as read with section 5(7) of the Sea Fish (Conservation) Act 1967 and Article 4 as read with section 6(5) of that Act |

(15) S.I. 1984/1522.

(16) S.I. 1984/1523.

(17) S.I. 1986/59.

(18) S.I. 1989/919.

(19) S.I. 1989/1066.

(20) S.I. 1989/1285.

(21) S.I. 1989/2051.

(22) S.I. 1990/2052.

(23) S.I. 1992/2633; article 3(1)(b) was substituted by S.I. 1990/1820, Schedule II, paragraph 150(3)(b).

(24) S.I. 1993/2015.

(25) S.I. 1996/1907.

(26) S.I. 1997/2622.

(27) 1985 c. 48.

(28) S.I. 1999/88.

| <i>Enactment</i> | <i>Offence provision</i> |
|--|--|
| Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000 (29) | Article 3 |
| Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000 (30) | Article 3 |
| Undersized Lobsters (Scotland) Order 2000 (31) | Articles 3 and 4 as read with section 1(7) of the Sea Fish (Conservation) Act 1967 and article 5 as read with section 1(8) of that Act |
| Undersized Spider Crabs (Scotland) Order 2000 (32) | Article 3 as read with section 1(7) of the Sea Fish (Conservation) Act 1967 |
| Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000 (33) | Articles 4, 5 and 5A as read with section 3(5) of the Sea Fish (Conservation) Act 1967 |
| Undersized Edible Crabs (Scotland) Order 2000 (34) | Article 3 as read with section 1(7) of the Sea Fish (Conservation) Act 1967 |
| Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Order 2000 (35) | Article 3 as read with section 5(7) of the Sea Fish (Conservation) Act 1967 |
| Sea Fishing (North-East Atlantic Control Measures) Order 2000 (36) | Article 4 |
| Prohibition of Fishing for Scallops (Scotland) Order 2003 (37) | Articles 3, 4 and 5 as read with sections 6 and 7 of the Sea Fish (Conservation) Act 1967 |
| Shrimp Fishing Nets (Scotland) Order 2004 (38) | Article 3 as read with section 3(5) of the Sea Fish (Conservation) Act 1967 |
| Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004 (39) | Articles 3, 5, 6, 7, 9 and 10 as read with sections 4(1) and 4(1A) of the Inshore Fishing (Scotland) Act 1984 |
| Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Scotland) Order 2004 (40) | Article 9 |
| Sea Fish (Marketing Standards) (Scotland) Regulations 2004 (41) | Articles 3(1), (2), (3), (4) and (5) |

(29) S.S.I. 2000/7, as amended by S.S.I. 2005/552 and S.S.I. 2007/40.

(30) S.S.I. 2000/53, as amended by S.S.I. 2002/81.

(31) S.I. 2000/197.

(32) S.S.I. 2000/198.

(33) S.S.I. 2000/227, as amended by S.S.I. 2001/250 and S.S.I. 2003/167.

(34) S.S.I. 2000/228.

(35) S.S.I. 2000/405, as amended by S.S.I. 2007/13.

(36) S.S.I. 2000/1843.

(37) S.S.I. 2003/371.

(38) S.S.I. 2004/261, as amended by S.S.I. 2008/10.

(39) S.S.I. 2004/276.

(40) S.S.I. 2004/392.

(41) S.S.I. 2004/498.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Enactment</i> | <i>Offence provision</i> |
|--|--|
| Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Regulations 2005 (42) | Articles 3(7), 4(1), 5(6), 5(7), 6(6), 6(7), 7(7), 7(8), 8(1), 8(2), 9(6), 9(7), 10, 11(1) |
| Prevention and Monitoring of Cetacean Bycatch (Scotland) Order 2005 (43) | Articles 3(2), 4 |
| Inshore Fishing (Prohibition of Fishing for Cockles) (Scotland) (No. 5) Order 2006 (44) | Article 2 as read with sections 4(1) and 4(1A) of the Inshore Fishing (Scotland) Act 1984 |
| Sea Fishing (Marking and Identification of Passive Fishing Gear and Beam Trawls) (Scotland) Order 2006 (45) | Article 14 |
| Sea Fishing (Northern Hake Stock) (Scotland) Order 2006 (46) | Articles 3, 4, 5, 6(1), 6(3), 7(1), 7(3), 8 |
| Sea Fishing (Prohibition on the Removal of Shark Fins) (Scotland) Order 2007 (47) | Articles 3(1), (2) and (4) |
| Inshore Fishing (Prohibited Methods of Fishing) (Loch Creran) Order 2007 (48) | Articles 3, 4 and 5 as read with section 4(1) and 4(1A) of the Inshore Fishing (Scotland) Act 1984 |
| Inshore Fishing (Prohibited Methods of Fishing (Firth of Lorn) (No. 2) Order 2007 (49) | Article 3(1) as read with section 4(1) and 4(1A) of the Inshore Fishing (Scotland) Act 1984 |
| Sea Fishing (Control Procedures for Herring, Mackerel and Horse Mackerel) (Scotland) Order 2008 (50) | Articles 3(5), (6), (7), 4(4), 6(4), 7(4) |

PART 2

Enactments under or by virtue of which relevant offences are created, proceedings in respect of which may be taken in Scotland by virtue of section 30(2A) of the Fisheries Act 1981

| <i>Enactment</i> | <i>Offence Provision</i> |
|--|--------------------------|
| Sea Fishing (Enforcement of Community Licensing Measures) (North of Scotland Box) Order 1984 (51) | Article 3 |
| Fishing Boats (Marking and Documentation) (Enforcement) Order 1993 (52) | Article 3 |

(42) [S.S.I. 2005/286](#), as amended by [S.S.I. 2005/438](#).

(43) [S.S.I. 2005/330](#).

(44) [S.S.I. 2006/58](#).

(45) [S.S.I. 2006/284](#).

(46) [S.S.I. 2006/505](#).

(47) [S.S.I. 2007/39](#).

(48) [S.I. 2007/85](#).

(49) [S.I. 2007/40](#).

(50) [S.S.I. 2008/102](#).

(51) [S.I. 1984/291](#).

(52) [S.I. 1993/2015](#).

| <i>Enactment</i> | <i>Offence Provision</i> |
|--|--|
| Sea Fishing (Enforcement of Measures for the Recovery of the Stock of Cod) (Irish Sea) (Wales) Order 2000(53) | Article 3 |
| Sea Fishing (Enforcement of Community Control Measures) (Wales) Order 2000(54) | Articles 3(1), 3(2) |
| Sea Fishing (Enforcement of Community Conservation Measures) (Wales) Order 2000(55) | Articles 3(1), 3(2) |
| Sea Fishing (Enforcement of Community Control Measures) Order 2000(56) | Articles 3(1), 3(2) |
| Sea Fishing (North-East Atlantic Control Measures) Order 2000(57) | Article 4 |
| Sea Fishing (Enforcement of Community Satellite Monitoring Measures) Order 2004(58) | Articles 5, 6, 7, 8(1), 8(2), 8(4), 9(1), 9(2), 11, 12, 13, 14(1), 14(2) |
| Incidental Catches of Cetaceans in Fisheries (England) Order 2005(59) | Article 4 |
| Sea Fishing (Marking and Identification of Passive Fishing Gear and Beam Trawls) (England) Order 2006(60) | Article 4 |
| Sea Fishing (Northern Hake Stock) (Wales) Order 2006(61) | Articles 3, 4(1), 4(3), 4(4), 5(1), 6, 7, 8 |
| Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Wales) Order 2006(62) | Articles 5, 6, 7, 8(1), 8(2), 8(4), 9(1), 9(2), 11, 12, 13, 14(1), 14(2) |

SCHEDULE 2

Article 4

Scale of fixed penalties

| Penalty level | Amount |
|---------------|--------|
| 1 | £250 |
| 2 | £500 |
| 3 | £1000 |
| 4 | £2000 |

(53) S.I. 2000/976.**(54)** S.I. 2000/51, as amended by S.I. 2005/393 and 2005/2624.**(55)** S.I. 2000/2230 (W.148).**(56)** S.I. 2000/51, as amended by S.I. 2005/393 and 2005/2624.**(57)** S.I. 2000/1843.**(58)** S.I. 2004/3226.**(59)** S.I. 2005/17.**(60)** S.I. 2006/1549.**(61)** S.I. 2006/1796 (W.191).**(62)** S.I. 2006/2798 (W.237).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.