
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 102

**The Sea Fishing (Control Procedures for Herring,
Mackerel and Horse Mackerel) (Scotland) Order 2008**

Approval of pelagic weighing systems

- 3.—(1) The Scottish Ministers may from time to time require authorised officers to—
- (a) conduct any tests necessary to calibrate any pelagic weighing system;
 - (b) provide them with advice on the sealing of any pelagic weighing system which shall include advice on whether the system can be fixed or adjusted in a way which would cause the pelagic weighing system to provide an inaccurate weight reading and, if so, how the system may be fixed or adjusted; and
 - (c) provide them with a report relating to the suitability of any pelagic weighing system.
- (2) The Scottish Ministers may approve for fisheries control purposes a pelagic weighing system in respect of which a report referred to in paragraph (1)(c) has been provided.
- (3) The Scottish Ministers may decline to approve a pelagic weighing system where they have reasonable grounds for suspecting that the system may be fixed or adjusted in a way which would cause the pelagic weighing system to provide an inaccurate weight reading.
- (4) The Scottish Ministers may—
- (a) determine conditions to which an approval given under paragraph (2) may be subject; and
 - (b) at any time amend such conditions.
- (5) Where there is a contravention of, or a failure to comply with, a condition of an approval determined under paragraph (4) the owner of the pelagic weighing system, the operator of the pelagic weighing system and the owner of the premises in which the pelagic weighing system is located shall each be guilty of an offence.
- (6) Where any person interferes with a pelagic weighing system approved under paragraph (2) causing the pelagic weighing system to provide an inaccurate weight reading that person shall be guilty of an offence.
- (7) Any person who fails without reasonable excuse to comply with the request of an authorised officer exercising functions under paragraph (1) shall be guilty of an offence.