

2024 No. 36

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sandeel (Prohibition of Fishing) (Scotland) Order 2024

<i>Made</i>	- - - -	<i>1st February 2024</i>
<i>Laid before the Scottish Parliament</i>		<i>5th February 2024</i>
<i>Coming into force</i>	- -	<i>26th March 2024</i>

The Scottish Ministers make the following Order in exercise of the power conferred by section 5(1)(a) of the Sea Fish (Conservation) Act 1967^(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Sandeel (Prohibition of Fishing) (Scotland) Order 2024 and comes into force on 26 March 2024.

Prohibition of fishing for sandeel

- 2.—(1) Fishing for sandeel is prohibited within the Scottish zone.
(2) In this Order, “sandeel” means fish species of the family Ammodytidae.

GILLIAN MARTIN

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
1st February 2024

(a) 1967 c. 84 (“the 1967 Act”). Section 5(1) of the 1967 Act was substituted by section 198(2) of the Marine and Coastal Access Act 2009 (c. 23), which extends to Scotland by virtue of section 158(1) of the Marine (Scotland) Act 2010 (asp 5) (“the 2010 Act”). Section 5 of the 1967 Act is modified in relation to Scotland by section 22A(2) and (6) of the 1967 Act. Section 22A of the 1967 Act was inserted by S.I. 1999/1820. Section 22A(2) and (6) of the 1967 Act were amended by section 159 of the 2010 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits fishing for sandeel within the Scottish zone (article 2(1)). It applies to all fishing boats, not just to Scottish or British fishing boats. The Scottish zone is defined in section 22(1) of the Sea Fish (Conservation) Act 1967 (“the 1967 Act”) by reference to a definition in section 126(1) of the Scotland Act 1998: it means the sea adjacent to Scotland up to the 200 nautical miles limit.

It is an offence under section 5(1) of the 1967 Act for any person to contravene a prohibition imposed by this Order. The maximum penalties are specified by section 11 of the 1967 Act. On summary conviction, the maximum penalty is a fine not exceeding £50,000. On conviction on indictment, the maximum penalty is an unlimited fine. In either case, the court may also order forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence. On summary conviction, if the court does not order the forfeiture of fish, it may impose an additional fine not exceeding the value of the fish.

A Business and Regulatory Impact Assessment (“BRIA”) has been prepared in relation to this Order and placed in the Scottish Parliament Information Centre. Copies of the BRIA are available from the Marine Directorate, Scottish Government, Victoria Quay, Leith, Edinburgh EH6 6QQ and online at www.legislation.gov.uk.

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