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Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 2020, PART 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

REGULATION OF FOREIGN FISHING BOATS

PART 2

SCOTLAND

The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1999

- 22 (1) The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1991 (S.S.I. 1999/88) is amended as follows.
- (2) In article 3 (fishing prohibition)—
- (a) in paragraph (2), for “a relevant British” substitute “ any ”;
 - (b) in paragraph (3), for “within the Scottish zone or anywhere outside that zone” substitute “ outside the Scottish zone ”.
- (3) In article 4 (landing prohibition), for paragraph (3) substitute—
- “(3) The prohibition in paragraph (2) does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (4) In article 5 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)(b), for “relevant British” substitute “ other ”.

The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000

- 23 (1) The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000 (S.S.I. 2000/227) is amended as follows.
- (2) In article 3 (application), in paragraphs (1)(b) and (1B)(b), for “relevant British” substitute “ other ”.

The Prohibition of Fishing for Scallops (Scotland) Order 2003

- 24 (1) The Prohibition of Fishing for Scallops (Scotland) Order 2003 (S.S.I. 2003/371) is amended as follows.
- (2) In articles 3 and 4 (prohibitions of fishing for king scallops) for “a Scottish fishing boat or by any relevant British” substitute “ any ”.
- (3) In article 6 (powers of British sea-fishery officers), in paragraph (1)(b), for “relevant British” substitute “ other ”.

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The Shrimp Fishing Nets (Scotland) Order 2004

- 25 (1) The Shrimp Fishing Nets (Scotland) Order 2004 (S.S.I. 2004/261) is amended as follows.
- (2) In article 3 (prohibition on fishing for shrimps without a separator trawl or sorting grid), in paragraph (1)(b), for “relevant British” substitute “ other ”.
- (3) In article 4 (powers of British sea-fishery officers), in paragraph (1)(b), for “relevant British” substitute “ other ”.

The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012

- 26 (1) The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012 (S.S.I. 2012/63) is amended as follows.
- (2) In article 2 (definitions) omit the following definitions—
 “fishing boat”;
 “relevant British fishing boat”;
 “Scottish fishing boat”;
 “third country”;
 “third country fishing boat”.
- (3) Omit article 3 (application).
- (4) In article 4 (prohibition of fishing for tope), for “a boat to which this article applies” substitute “ any fishing boat ”.
- (5) In article 5 (prohibition of trans-shipment of tope), for “a boat or vessel to which this article applies” substitute “ any fishing boat ”.
- (6) In article 6 (prohibition of landing tope)—
 (a) the existing provision becomes paragraph (1);
 (b) in that paragraph, for “a boat or vessel to which this article applies” substitute “ any fishing boat ”;
 (c) after that paragraph insert—
 “(2) The prohibition in paragraph (1) does not apply in relation to tope caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (7) In article 7 (prohibition of landing specified species of shark, skate and ray)—
 (a) in paragraph (1), for “a boat or vessel to which this article applies” substitute “ any fishing boat ”;
 (b) after paragraph (1) insert—
 “(1A) The prohibition in paragraph (1) does not apply in relation to a specified species caught by a foreign fishing boat in waters lying outside British fishery limits.”
 (c) in paragraph (2), for “paragraph (1)” substitute “ this article ”.
- (8) In article 8 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)—
 (a) in sub-paragraph (b), for “relevant British” substitute “ other ”;

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- (b) omit sub-paragraph (c) and the “and” before it.

The Regulation of Scallop Fishing (Scotland) Order 2017

- 27 (1) The Regulation of Scallop Fishing (Scotland) Order 2017 (S.S.I. 2017/127) is amended as follows.
- (2) In article 2 (interpretation), omit the definition of “British fishing boat”.
- (3) In article 3 (prescribed minimum size for landing king scallops)—
- (a) for paragraph (3) substitute—
- “(3) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”;
- (b) in paragraph (5), omit sub-paragraph (a).
- (4) In article 4 (restrictions on number of scallop dredges), in the opening words, omit “British”.
- (5) In article 5 (exemption from restrictions in article 4), in paragraphs (1), (2), (3)(a) and (4)(a), omit “British”.
- (6) In article 6 (requirement to install a functioning remote electronic monitoring system), in paragraphs (1) and (3), omit “British”.

The Prohibition of Fishing with Multiple Trawls (Scotland) Order 2017

- 28 (1) The Prohibition of Fishing with Multiple Trawls (Scotland) Order 2017 (S.S.I. 2017/325) is amended as follows.
- (2) In article 3 (prohibition of method of fishing), in paragraph (1)(b), for “relevant British” substitute “other”.

The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017

- 29 (1) The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017 (S.S.I. 2017/455) is amended as follows.
- (2) In article 2 (interpretation), omit the definition of “foreign fishing boat”.
- (3) In article 3 (prescribed minimum size for landing edible crabs in Scotland), for paragraph (2) substitute—
- “(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (4) In article 4 (prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of velvet crabs)—
- (a) in paragraph (4), after “Scottish zone” insert “, or a foreign fishing boat within the Scottish zone,”;
- (b) for paragraphs (6) and (7) substitute—
- “(6) The prohibitions imposed by—

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- (a) section 1(1) of the Act, as read with paragraph (1), and
 - (b) paragraphs (4) and (5),
- do not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.
- (7) The prohibition imposed by section 1(2) of the Act, as read with paragraph (2), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (5) In article 5 (prescribed minimum size for landing spider crabs in Scotland), for paragraph (2) substitute—
- “(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (6) In article 6 (prescribed minimum size for landing green crabs in the Orkney Islands), for paragraph (2) substitute—
- “(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (7) In article 7 (prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of lobsters)—
- (a) in paragraph (10), after “Scottish zone” insert “, or a foreign fishing boat within the Scottish zone,”;
 - (b) for paragraphs (12) and (13) substitute—
- “(12) The prohibitions imposed by—
- (a) section 1(1) of the Act, as read with paragraphs (1) to (7), and
 - (b) paragraph (10),
- do not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.
- (13) The prohibition imposed by section 1(2) of the Act, as read with paragraph (8), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019

- 30 (1) The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019 (S.S.I. 2019/419) is amended as follows.
- (2) In article 2 (interpretation), in paragraph (1), omit the definition of “British fishing boat”.
- (3) In article 3 (prohibited methods of fishing), in paragraphs (1), (2) and (3), omit “British”.

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