
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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