SCOTTISH STATUTORY INSTRUMENTS

2004 No. 261

SEA FISHERIES

CONSERVATION OF SEA FISH

The Shrimp Fishing Nets (Scotland) Order 2004

Made - - - -	*3rd June 2004*
Laid before the Scottish Parliament - - - -	*4th June 2004*
Coming into force - -	*1st July 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 3(1) and 15(3) of the Sea Fish (Conservation) Act 1967(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Shrimp Fishing Nets (Scotland) Order 2004 and shall come into force on 1st July 2004.

(1) Subject to paragraph (3), this Order extends to Scotland and the Scottish zone only.

(2) Insofar as it extends beyond Scotland and the Scottish zone, this Order does so only as a matter of Scots law.

Interpretation

2.—(1) In this Order–

"codend" means the rearmost part of a net, being made up of one or more panels comprising pieces of netting of the same mesh size attached to one another along their sides in the long axis of the net by a lacing; and

(**1**) 1967 c. 84. Section 3 was amended by the Fishery Limits Act 1976 (c. 86), section 9(1) and Schedule 2, paragraph 16(1); the Inshore Fishing (Scotland) Act 1984 (c. 26), section 10(1) and Schedule 1; and the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820) ("the 1999 Order"), article 4 and Schedule 2, paragraph 43(1), (2) and (4). Section 15(3) was substituted by the Sea Fisheries Act 1968 (c. 77), section 22(1) and Schedule 1, paragraph 38(3); and amended by the Fishery Limits Act 1976 (c. 86), section 9(1) and Schedule 2, paragraph 16(1); and the 1999 Order, Schedule 2, paragraph 43(13). See section 22(2) for the definition of "the Ministers" for the purposes of sections 3 and 15(3). Section 22(2) was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and 45; and by the 1999 Order, article 4 and Schedule 2, paragraph 43(12).

"equivalent Order" means an order extending to any other part of the United Kingdom made under section 3 of the Sea Fish (Conservation) Act 1967 containing a similar prohibition to that in article 3.

(2) For the purposes of this Order, the mesh of a net or netting shall be measured in accordance with Commission Regulation (EC) No. 129/2003 laying down detailed rules for determining the mesh size and thickness of twine of fishing nets(**2**).

Prohibition on fishing for shrimps without a separator trawl or sorting grid

3.—(1) This article applies to–

(a) any Scottish fishing boat wherever it may be; and

(b) any relevant British fishing boat within the Scottish zone.

(2) No fishing boat to which this article applies shall carry or deploy a net the mesh of which measures between 16 and 31 millimetres unless–

(a) netting, the mesh of which measures at least twice that of the codend and no more than 70 millimetres, is fitted across the entire cross-section of the net in such a way that–

(i) sea fish cannot reach the codend without first passing through the netting; and

(ii) there is a hole in the net through which all sea fish that do not pass through the netting are able to escape;

(b) a rigid grid, the spacing between the bars of which is no more than 20 millimetres, is fitted across the entire cross-section of the net in such a way that–

(i) sea fish cannot reach the codend without first passing through the grid; and

(ii) there is a hole in the net through which all sea fish that do not pass through the grid are able to escape;

(c) no sea fish have been caught; or

(d) where sea fish have been caught, less than 60% by live weight of the total catch comprises common shrimps (*Crangon* spp.), Aesop shrimps (*Pandalus montagui*) or a combination of the two, and the retention of sea fish on board the boat is consistent with Article 25 of Council Regulation (EC) No. 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms(**3**) as amended by Council Regulation (EC) No. 1298/2000(**4**).

Powers of British sea-fishery officers

4.—(1) For the purposes of the enforcement of this Order or any equivalent Order, a British sea fishery officer may exercise the powers conferred by this article in relation to–

(a) any Scottish fishing boat wherever it may be; and

(b) any relevant British fishing boat within the Scottish zone.

(2) A British sea fishery officer may go on board the boat, with or without persons assigned to assist that officer in the duties of that officer, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) A British sea fishery officer may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to that officer to be necessary for the purpose of enforcing this Order or any equivalent Order and, in particular–

(**2**) O.J. No. L 22, 25.1.03, p.5.
(**3**) O.J. No. L 125, 27.4.98, p.1.
(**4**) O.J. No. L 148, 22.6.00, p.1.