SCOTTISH STATUTORY INSTRUMENTS

2003 No. 404

SEA FISHERIES

The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 2003

Made - - - -	*2nd September 2003*
Laid before the Scottish Parliament - - - -	*2nd September 2003*
Coming into force - -	*23rd September 2003*

The Scottish Ministers, in exercise of the powers conferred by section 1 of the Inshore Fishing (Scotland) Act 1984(**1**) and of all other powers enabling them in that behalf, and having consulted such bodies as they consider appropriate, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 2003 and shall come into force on 23rd September 2003.

Amendment of the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 1989

2.—(1) The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 1989(**2**) is amended as follows.

(2) In article 2 (interpretation)–

(a) before the definition of "sea fish" insert–

> ""a parlour creel" means a basket, small cage, pot, receptacle or container covered by netting which may be baited and is placed on the seabed for the purpose of catching shellfish and which has at least two compartments, entry to one or more of which is likely to be gained only through an internal connection from another compartment;"; and

(b) after the definition of "single trawl"(**3**) insert–

(**1**) 1984 c. 26. Section 1 was amended by the Inshore Fishing (Scotland) Act 1994 (c. 27), section 1 and by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820), article 4 and Schedule 2, paragraph 72.
(**2**) S.I. 1989/2307 amended by S.I. 1994/326, 1996/1475, 1999/751 and S.S.I. 2001/174.
(**3**) The definition of "single trawl" was inserted by S.S.I. 2001/174, article 2(2).

""size", in relation to a lobster, means the length of the carapace parallel to the midline, from the back of either eye socket to the distal edge of the carapace;".

(3) After article 5 insert–

"**Prohibition of fishing for sea fish with parlour creels**

5A. Fishing for any species of sea fish with a parlour creel which has a mesh size of less than 60 millimetres is prohibited.".

(4) After article 7 insert–

"**Prohibition of fishing for lobsters**

8.—(1) Subject to paragraph (2) below, fishing for lobsters (Homarus gammarus) within Scottish inshore waters is prohibited.

(2) The prohibition in paragraph (1) above shall not apply to male lobsters of 87 millimetres or more in size or to female lobsters between 87 millimetres and 155 millimetres, inclusive, in size."(**4**).

(5) In Schedule 2 (prohibition of creel fishing) after item 3(**5**) insert item 4 as set out in the Schedule to this Order.

St Andrew's House Edinburgh
2nd September 2003

ROSS FINNIE
A member of the Scottish Executive

(**4**) A previous article 8 was deleted by S.I. 1999/751, article 2.
(**5**) Item 3 was inserted by S.S.I. 2001/174, article 2(4).