SCOTTISH STATUTORY INSTRUMENTS

2003 No. 371

SEA FISHERIES

The Prohibition of Fishing for Scallops (Scotland) Order 2003

Made - - - -	*23rd July 2003*
Laid before the Scottish Parliament - - - -	*25th July 2003*
Coming into force - -	*22nd September 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 5 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 Prohibition of Fishing for Scallops (Scotland) Order 2003 and shall come into force on 22nd September 2003.

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

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

Interpretation

2.—(1) In this Order–

"French dredge" means a dredge with a rigid fixed tooth bar which is towed through the water and which incorporates paravanes, diving plates, pressure plates, water deflecting plates or any similar devices;

"king scallops" means scallops of the species *Pecten maximus*;

(**1**) 1967 c. 84; section 5(1) was substituted by the Fisheries Act 1981 (c. 29), section 22(1); section 15(3) was substituted by the Sea Fisheries Act 1968 (c. 77), Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c. 86), Schedule 2, paragraph 16(1). Relevant modifications are contained in the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I.1999/1748), article 5 and the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756), articles 3, 5 and 6. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). Section 22(2) which contains a definition of "the Ministers" for the purposes of sections 5 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(a) and 45(b). The definition has effect in relation to Scotland with the modifications made by section 22A(12)(b) inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 43(13).

"scallop dredge" means a dredge with a rigid framed mouth which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for king scallops;

"Scottish inshore waters" has the same meaning as in section 9(1) of the Inshore Fishing (Scotland) Act 1984(**2**);

"Scotland" has the same meaning as in section 126(1) of the Scotland Act 1998(**3**);

"the territorial sea of the United Kingdom adjacent to Scotland" means that part of the territorial sea of the United Kingdom within the boundaries described in article 3 of, and Schedule 1 to, the Scottish Adjacent Waters Boundaries Order 1999(**4**).

(2) For the purposes of this Order, other than article 4(a), a fishing boat is deemed to have been fishing for king scallops if the catch retained on board that boat includes at least 20 per cent by weight king scallops.

Prohibition of fishing for king scallops by means of dredge to which obstruction attached

3. Fishing for king scallops by a Scottish fishing boat or by any relevant British fishing boat by means of a–

(a) French dredge; or

(b) scallop dredge,

to which anything has been attached which obstructs in whole or in part the rings or netting on any part of the dredge is prohibited in the Scottish zone.

Prohibition of fishing for king scallops – French dredges

4. Fishing for king scallops by a Scottish fishing boat or by any relevant British fishing boat by means of a French dredge is prohibited–

(a) in Scottish inshore waters; and

(b) in any other part of the Scottish zone, where more than 6 French dredges are towed from each side of the fishing boat.

Prohibition of fishing for king scallops – scallop dredges

5. Fishing for king scallops by a Scottish fishing boat or by any relevant British fishing boat by means of a scallop dredge is prohibited–

(a) in Scottish inshore waters, where more than 8 scallop dredges are towed from each side of the fishing boat;

(b) in any other part of the territorial sea of the United Kingdom adjacent to Scotland, where more than 10 scallop dredges are towed from each side of the fishing boat; and

(c) in any other part of the Scottish zone, where more than 14 scallop dredges are towed from each side of the fishing boat.

Powers of British sea-fishery officers

6.—(1) For the purpose of enforcing the provisions of this Order a British sea-fishery officer may exercise in relation to–

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

(**2**) 1984 c. 26.
(**3**) 1998 c. 46.
(**4**) S.I. 1999/1126.