SCOTTISH STATUTORY INSTRUMENTS

2001 No. 250

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Amendment Order 2001

Made - - - -	*27th June 2001*
Laid before the Scottish Parliament - - - -	*28th June 2001*
Coming into force - -	*1st August 2001*

The Scottish Ministers, in exercise of the powers conferred by section 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 interpretation

1.—(1) This Order may be cited as the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Amendment Order 2001 and shall come into force on 1st August 2001.

(2) In this Order, "the principal Order" means the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000(**2**).

Amendment of the principal Order

2. In article 2 (interpretation) of the principal Order–

(a) In paragraph (1)–

(i) for the definition of "the Council Regulation" there is substituted–

""the Council Regulation" means Council Regulation (EC) No. 850/98 of 30th March 1998 for the conservation of fishery resources through technical

(**1**) 1967 c. 84. 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). See section 22(2)(a) of the 1967 Act for the definition of "the Ministers," as amended by the Fisheries Act 1981, sections 19(2)(d) 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).

(**2**) S.S.I. 2000/227.

measures for the protection of juveniles of marine organisms(**3**) as corrected by Corrigendum to Annex XII of the Council Regulation(**4**) and amended by Council Regulation (EC) No. 308/1999(**5**), Council Regulation (EC) No. 1259/99(**6**), Council Regulation (EC) No. 2723/99(**7**), Council Regulation (EC) No. 812/2000(**8**), Council Regulation (EC) No. 1298/2000(**9**) and Council Regulation (EC) No. 724/2001(**10**)

(ii) for the definition of "extension piece" there is substituted–

""extension piece" means an extension piece located immediately in front of the codend and excludes the tapered part of the net;";

(iii) after the definition of "ICES" there is inserted–

""strengthening bag" means a cylindrical piece of netting completely surrounding the codend of a trawl or seine net and which may be attached to a codend at intervals;"; and

(iv) after the definition of "net" there is inserted–

""tapered part of the net" means the netting immediately in front of the codend or extension piece (if fitted) where the number of open meshes around the circumference of the net increases in a ratio not less that 4 meshes in circumference to every 5 meshes in the long axis of the net.";

(b) for paragraph (4) there is substituted–

"(4) For the purposes of this Order, a net shall be deemed to have been carried in a boat for the purpose of fishing for Norway lobsters (Nephrops norvegicus), and a boat shall be deemed to have been fishing for Norway lobsters, if the catch retained on board that boat includes at least 35% by weight Norway lobsters."; and

(c) after paragraph (5) there is inserted–

"(6) For the purposes of this Order, a net shall be deemed to have been carried in a boat for the purpose of fishing for queen scallops (Chlamys opercularis), and a boat shall be deemed to have been fishing for queen scallops, if the catch retained on board that boat includes at least 80% by weight queen scallops.".

3. In article 3 (application) of the principal Order–

(a) in paragraph (1), for "articles 4 and 5" there is substituted "articles 4 to 5A";

(b) in paragraph (2)–

(i) for "Articles 4 and 5" there is substituted "Articles 4 to 5A";

(ii) in sub-paragraph (b) for "used." there is substituted "used; or"; and

(iii) after sub-paragraph (b) there is inserted–

"(c) carried in, or used by, a boat for the purpose of fishing for queen scallops;"; and

(c) after paragraph (2) there is inserted–

"(3) Article 5A(b) does not apply to any net that is carried in or used by a boat for the purpose of fishing for Norway lobsters.".

(**3**) O.J. No. L 125, 27.4.98, p.1.
(**4**) O.J. No. L 318, 27.11.98, p.63.
(**5**) O.J. No. L 38, 12.2.99, p.6.
(**6**) O.J. No. L 168, 3.7.99, p.1.
(**7**) O.J. No. L 328, 22.12.99, p.9.
(**8**) O.J. No. L 100, 20.4.00, p.3.
(**9**) O.J. No. L 148, 22.6.00, p.1.
(**10**) O.J. No. L 102, 12.4.01, p.16.