SCOTTISH STATUTORY INSTRUMENTS

2000 No. 228

SEA FISHERIES
CONSERVATION OF SEA FISH

The Undersized Edible Crabs (Scotland) Order 2000

Made - - - -	*7th July 2000*
Laid before the Scottish Parliament - - - -	*7th July 2000*
Coming into force - -	*27th July 2000*

The Scottish Ministers, in exercise of the powers conferred on them by sections 1(1), (4) and (6), 15(3) and 20(1) of the Sea Fish (Conservation) Act 1967(**1**), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Undersized Edible Crabs (Scotland) Order 2000 and shall come into force on 27th July 2000.

Interpretation

2. In this Order–

"the Act" means the Sea Fish (Conservation) Act 1967;

"edible crab" means crab of the species *Cancer pagurus*;

"ICES" means a statistical division or sub-area of the International Council for the Exploration of the Sea(**2**); and

"size", in relation to an edible crab, means the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace and shall be measured as shown in Schedule 1 to this Order.

(**1**) 1967 (c. 84) ("the 1967 Act"); section 1 was substituted by the Fisheries Act 1981 (c. 29), section 19(1) and was amended by the Merchant Shipping Act 1988 (c. 12), Schedule 6. 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). See section 22(2) for the definition of "the Ministers". Section 22(2) was amended by the Fisheries Act 1981, section 19(2)(d) and 45(b) and (c). 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). Sections 1, 15(3), 20 and 22 of the 1967 Act were amended by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820), Schedule 2, paragraph 43.

(**2**) Cmnd. 2586.

Prescribed minimum size for landing edible crabs

3.—(1) For the purposes of section 1(1) of the Act (which prohibits the landing in Scotland of any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description), there is hereby prescribed as the minimum size for edible crabs of either sex, in relation to each area of coast specified in column 1 of Schedule 2 to this Order, the size specified opposite that area in column 2 of that Schedule.

(2) Landing from foreign fishing boats is exempted from the prohibition imposed by section 1(1) of the Act as read with paragraph (1).

Powers of British sea-fishery officers in relation to fishing boats

4.—(1) For the purpose of enforcement of section 1(1) of the Act as read with this Order, a British sea-fishery officer may exercise in relation to–

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

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

the powers conferred by paragraphs (2) to (4) of this article.

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

(3) He may require the attendance of the master and other persons on board the boat and may make any examinations and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) above and, in particular–

(a) may examine any fish on the boat and the equipment of the boat including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination;

(b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;

(c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 1(1) of the Act as read with this Order, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search; and

(d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence,

but nothing in sub paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a contravention of the Order has at any time taken place he may–

(a) require the master of the boat in relation to which the contravention took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and

(b) detain or require the master to detain the boat in the port,

and where such an officer detains or requires the detention of a boat he shall serve on the master notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.