SCOTTISH STATUTORY INSTRUMENTS

1999 No. 88

SEA FISHERIES

CONSERVATION OF SEA FISH

The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1999

Made - - - -	*30th September 1999*
Laid before the Scottish Parliament - - - -	*1st October 1999*
Coming into force - -	*8th November 1999*

The Scottish Ministers, in exercise of the powers conferred on them by sections 5(1), 6(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 Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1999 and shall come into force on8th November 1999.

(2) This Order extends to Scotland only.

Interpretation

2. In this Order—

"crawfish" means crawfish of the species *Palinurus elephas and Palinurus mauritanicus*;

(**1**) 1967 c. 84; section 5(1) was substituted by the Sea Fisheries Act 1981 ("the 1981 Act") (c.29) section 22(1); section 6(1) was amended by virtue of S.I.1970/1537, Schedule 2, paragraph 10 and S.I. 1974/692 articles 2(1) and 5(3), Schedule 1 part III; section 6(1A) was inserted by the 1981 Act, section 23(2); sections 5(1) and 6 were modified in their effect by section 33(1) of the 1981 Act; 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).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).The obligation to consult the Secretary of State for Trade was disapplied by section 55 of the Scotland Act 1986 (c. 46).Relevant modifications are contained in the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756), articles 3 to 6.Sections 15(3) and 6(1) were amended by the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) ("the 1999 Order"), Schedule 2, paragraph 43(2) and (6) respectively.Sections 5(1), 6(1) and 15(3) have effect in relation to Scotland as modified by section 22A of the Sea Fish (Conservation) Act 1967 as inserted by Schedule 2, paragraph 43(13) of the 1999 Order.

"flap" in relation to the tail of a lobster or crawfish, means any part of the central three flaps of the tail fan of the lobster or crawfish including the telson with anus and left and right uropod immediately adjacent to the telson;

"lobster" means lobster of the species *Homarus gammarus*;

"mutilated" in relation to a lobster or crawfish, means a lobster or crawfish which has been mutilated in such a manner as to obscure a V notch; and

"V notch" means a marking in the shape of the letter "V" with a depth of at least 5mm cut into at least one of the inner uropods of the tail fan of any lobster or crawfish, with the apex of the letter "V" positioned inward from the edge of the flap.

Fishing prohibition

3.—(1) This article applies to fishing for—

(a) a mutilated lobster

(b) a mutilated crawfish, or

(c) any lobster or crawfish bearing a V notch.

(2) Fishing to which this article applies by a relevant British fishing boat anywhere within the Scottish zone is prohibited.

(3) Fishing to which this article applies by a Scottish fishing boat within the Scottish zone or anywhere outside that zone is prohibited.

Landing prohibition

4.—(1) This article applies to—

(a) a mutilated lobster,

(b) a mutilated crawfish, or

(c) any lobster or crawfish bearing a V notch.

(2) The landing in Scotland of any seafish to which this article applies whether caught within the Scottish zone or anywhere outside that zone is prohibited.

(3) The prohibition in paragraph (2) applies only to landings from a Scottish fishing boat or a relevant British fishing boat.

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

5.—(1) For the purpose of the enforcement of this Order a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) below—

(a) anywhere in relation to any Scottish fishing boat; and

(b) in any waters adjacent to the United Kingdom and within the Scottish zone in relation to any relevant British fishing boat.

(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 examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) above and, in particular—