

STATUTORY INSTRUMENTS

2012 No. 2283

The Scallop Fishing (England) Order 2012

Citation, commencement and application

1.—(1) This Order may be cited as the Scallop Fishing (England) Order 2012 and comes into force on 1st October 2012.

(2) This Order applies in England and within British fishery limits.

(3) But British fishery limits do not include—

- (a) the Northern Ireland zone (within the meaning of section 98(1) of the Northern Ireland Act 1998 ^{M1});
- (b) the Scottish zone (within the meaning of section 126(1) & (2) of the Scotland Act 1998 ^{M2});
- (c) the Welsh zone (within the meaning of section 158(1) of the Government of Wales Act 2006 ^{M3}); or
- (d) the territorial sea adjacent to the Isle of Man, Jersey or Guernsey.

Marginal Citations

M1 1998 c. 47.

M2 1998 c. 46.

M3 2006 c. 32; s.158(1) was amended by the [Marine and Coastal Access Act 2009 \(c. 23\)](#), s.43(2). The Welsh zone is specified in [S. I. 2010/760](#).

Interpretation

2.—(1) In this Order—

“baselines” has the same meaning as in the Territorial Sea Act 1987 ^{M4};

F1 ...

“scallop” means a shellfish of the species *Pecten maximus*;

“scallop dredge” means any appliance 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 scallops.

(2) For the purposes of this Order, a reference to a specified “ICES division”^{M5} is a reference to a statistical division of the International Council for the Exploration of the Sea set out in the Schedule.

Textual Amendments

F1 Words in art. 2(1) omitted (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(a), [Sch. 2 para. 18\(2\)](#) (with s. 50, [Sch. 4 para. 31](#))

Marginal Citations

M4 1987 c.49.

M5 The International Council for the Exploration of the Sea (ICES), set up under intergovernmental agreement (the ICES Convention), coordinates and promotes marine research on oceanography, the marine environment, the marine ecosystem, and on living marine resources in the North Atlantic.

Specification of scallop dredges

3.—(1) No [^{F2}fishing boat] may carry or tow a scallop dredge within British fishery limits unless the dredge conforms to the following specifications.

(2) It must—

- (a) include a functioning, operational and moveable spring-loaded tooth bar and belly bar;
- (b) not have any part of its frame that exceeds 85 centimetres in width;
- (c) not contain any attachments;
- (d) not contain a diving plate or any other similar device;
- (e) not exceed 150 kilograms in weight including all fittings;
- (f) not contain more than 1 row of belly rings hanging from either side of the dredge perpendicular to the rings which hang from the belly bar.

(3) If the dredge measures 80 centimetres or more in width, it must not have—

- (a) more than 8 rows of belly rings hanging from the belly bar;
- (b) more than—
 - (i) 9 teeth on the tooth bar, if—
 - (aa) the fishing boat in question is outside the relevant area; or
 - (bb) each tooth measures 12 millimetres or less; or
 - (ii) 8 teeth on the tooth bar, if—
 - (aa) the fishing boat in question is inside the relevant area; and
 - (bb) any tooth measures more than 12 millimetres.

(4) If the dredge measures less than 80 centimetres in width, it must not have—

- (a) more than 6 rows of belly rings hanging from the belly bar; or
- (b) more than 6 teeth on the tooth bar.

(5) Each tooth on the tooth bar must measure no more than—

- (a) 22 millimetres if the dredge measures 80 centimetres or more in width; or
- (b) 12 millimetres if the dredge measures less than 80 centimetres in width.

(6) For the purposes of this article—

- (a) the size of the tooth on a tooth bar is its maximum width measured in the direction of the line of the tooth bar; and
- (b) belly rings and the fastenings that attach the belly rings to each other and to the frame are not attachments.

(7) In this article—

“attachment” means anything that is fitted to the scallop dredge (other than something that is used solely to aid the lifting and emptying of the dredge and which in no way obstructs the belly rings or any netting);

“belly bar” means the bar attached to the frame of a scallop dredge which runs parallel to the tooth bar and from which most of the belly rings ultimately hang;

“row of belly rings” means a line of single interconnecting rings, where the ring at one end of the line hangs either from the belly bar or from the main structure of the dredge perpendicular to the belly bar;

“the relevant area” means that part of ICES division VIIa which is north of the line 52 30’N but outside the Scottish zone, and all of ICES division VIId;

“tooth bar” means the bar to which are attached teeth, the ends of which point downwards and are dragged along the sea bed when the dredge is towed.

Textual Amendments

- F2** Words in [art. 3\(1\)](#) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(a), [Sch. 2 para. 18\(3\)\(a\)](#) (with s. 50, [Sch. 4 para. 31](#))

Restrictions on number of scallop dredges

4. No [^{F3}fishing boat] may tow at any one time more than 8 scallop dredges from each side of the boat when in waters adjacent to England out to a line drawn 12 nautical miles from baselines.

Textual Amendments

- F3** Words in [art. 4](#) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(a), [Sch. 2 para. 18\(3\)\(b\)](#) (with s. 50, [Sch. 4 para. 31](#))

Carriage of undersized scallops

5.—(1) For the purposes of section 1(3) of the Sea Fish (Conservation) Act 1967, scallops measuring less than 110 millimetres may not be carried by a [^{F4}fishing boat] that has fished in both ICES division VIId and ICES division VIIe during a single fishing trip.

(2) In this article, “single fishing trip” means the time from when a fishing boat departs from a port to the time when it returns to a port.

(3) For the purposes of this article, the size of a scallop is measurable in accordance with paragraph 6 of [^{F5}Annex 4 to Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures].

Textual Amendments

- F4** Words in [art. 5\(1\)](#) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(a), [Sch. 2 para. 18\(3\)\(c\)](#) (with s. 50, [Sch. 4 para. 31](#))
- F5** Words in [art. 5\(3\)](#) substituted (21.10.2019) by [The Sea Fishing \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1284\)](#), regs. 1, 2

Revocation

6. The Scallop Fishing Order 2004 ^{M6} is revoked.

Changes to legislation: There are currently no known outstanding effects for the
The Scallop Fishing (England) Order 2012. (See end of Document for details)

Marginal Citations

M6 [S.I. 2004/12.](#)

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Changes to legislation:

There are currently no known outstanding effects for the The Scallop Fishing (England) Order 2012.