
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2024 No.

The Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024.

(2) These Regulations come into force as follows—

- (a) Part 1 of these Regulations and regulations 4, 6(1), 8(1) and (6), 13, 14(1), 16(1), and 19(1) and (6) come into force on 4 June 2024 or, if these Regulations have not been made by 3 June 2024, on the day after the day on which these Regulations are made,
- (b) the rest of Part 2 and the whole of Part 4 of these Regulations come into force on 17 June 2024,
- (c) regulations 14(2) to (4), 15(4) and (5) and 16(2) and (3) come into force on 7 September 2025, and
- (d) the rest of these Regulations come into force on 7 March 2026.

(3) Subject to paragraph (4), these Regulations extend to Scotland and the Scottish zone only.

(4) So far as these Regulations extend beyond Scotland and the Scottish zone, they do so only as a matter of Scots law.

General interpretation

2. In these Regulations—

“companion software to the REM system” means any software provided by or on behalf of the manufacturer of an REM system which is capable of synchronising the winch sensor, vessel positioning system device and video recording data outputs from the REM system along a single timeline and of displaying the data in an integrated interface, including in the form of graphs, maps and videos,

“data storage system” means any server, cloud computing service or any other means of receiving and storing the data recorded by an REM system,

“REM system” means remote electronic monitoring system,

“remote electronic monitoring system” means a system used to monitor sea fishing,

“remote inspection” means an assessment, carried out remotely by the Scottish Ministers, of whether an REM system installed on board a fishing boat complies with the applicable requirements of these Regulations, including the applicable technical specifications specified by the Scottish Ministers under these Regulations,

“specify” means specify in writing, including in any documentation published or otherwise provided by the Scottish Ministers and “specified” shall be construed accordingly,

“video recording” means any recording, on any medium, from which a moving image may by any means be produced,

“working day” means any day other than a Saturday, a Sunday or a day which, under the Banking and Financial Dealings Act 1971(1), is a bank holiday in Scotland,

“written consent” means consent in writing, and

“writing” includes electronic communications within the meaning of section 15 (general interpretation) of the Electronic Communications Act 2000(2), which have been recorded and are consequently capable of being reproduced and “written” shall be construed accordingly.

Service of notices

3. Section 26 of the Interpretation and Legislative Reform (Scotland) Act 2010(3) (service of documents) applies to the service of notices under these Regulations as it applies to the service of documents for the purposes of that Act.

(1) 1971 c. 80 (“the 1971 Act”). Subject to any proclamation made under section 1(2) of the 1971 Act in any year, paragraph 2 of schedule 1 of that Act sets out the bank holidays in Scotland. Paragraph 2 of schedule 1 of the 1971 Act was amended by section 1 of the St Andrew’s Day Bank Holiday (Scotland) Act 2007 (asp 2).

(2) 2000 c. 7. Section 15 was amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c. 21).

(3) 2010 asp 10.