
EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes a minimum size for the landing of lobsters (*Homarus gammarus*) (article 3(1)). There is an exemption from the minimum landing size for the landing of lobsters from foreign fishing boats (article 3(2)).

The Order also prescribes a minimum size for the sale of lobsters (article 4(1)) and for the carriage of lobsters on a Scottish fishing boat anywhere, or relevant British fishing boat in the Scottish zone (article 5). There is an exemption from the minimum sale size for lobsters which are landed from foreign fishing boats (article 4(2)).

The Order also gives British sea-fishery officers further enforcement powers in relation to all Scottish fishing boats (wherever they may be) and relevant British fishing boats within the Scottish zone, but it does so only as a matter of Scots law (article 6). They already have powers under section 15(2) of the Sea Fish (Conservation) Act 1967 (“the 1967 Act”), as amended by the Fisheries Act 1981, to seize any fish in respect of which an offence has been or is being committed under section 1(3) of the 1967 Act.

Offences and penalties are prescribed respectively by section 1(7) and (8) and section 11 of the 1967 Act.

This Order revokes the Undersized Lobsters Order 1993, in so far as it relates to Scotland.

This Order is made in reliance on Article 46 of Council Regulation (EC) No. 850/98 (O.J. No. L125, 27.04.98, p.1), laying down certain technical measures for the conservation of fishery resources, which authorises Member States to take certain national measures for the conservation and management of local stocks.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from SERAD, Sea Fisheries Division, Room 518, Pentland House, Robb’s Loan, Edinburgh EH14 1TY.