
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 261

SEA FISHERIES

CONSERVATION OF SEA FISH

The Shrimp Fishing Nets (Scotland) Order 2004

<i>Made</i>	- - - -	<i>3rd June 2004</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>4th June 2004</i>
<i>Coming into force</i>	- -	<i>1st July 2004</i>

The Scottish Ministers, in exercise of the powers conferred by sections 3(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 Shrimp Fishing Nets (Scotland) Order 2004 and shall come into force on 1st July 2004.

(1) Subject to paragraph (3), this Order extends to Scotland and the Scottish zone only.

(2) Insofar as it extends beyond Scotland and the Scottish zone, this Order does so only as a matter of Scots law.

Commencement Information

II Art. 1 in force at 1.7.2004, see [art. 1\(1\)](#)

(1) 1967 c. 84. Section 3 was amended by the Fishery Limits Act 1976 (c. 86), section 9(1) and Schedule 2, paragraph 16(1); the Inshore Fishing (Scotland) Act 1984 (c. 26), section 10(1) and Schedule 1; and the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820) (“the 1999 Order”), article 4 and Schedule 2, paragraph 43(1), (2) and (4). Section 15(3) was substituted by the Sea Fisheries Act 1968 (c. 77), section 22(1) and Schedule 1, paragraph 38(3); and amended by the Fishery Limits Act 1976 (c. 86), section 9(1) and Schedule 2, paragraph 16(1); and the 1999 Order, Schedule 2, paragraph 43(13). See section 22(2) for the definition of “the Ministers” for the purposes of sections 3 and 15(3). Section 22(2) was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and 45; and by the 1999 Order, article 4 and Schedule 2, paragraph 43(12).

Interpretation

[^{F1}2.—(1) In this Order, “codend” has the meaning given in Article 6 of Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures.]

[^{F2}(2) For the purposes of this Order, the mesh of a net or netting shall be measured in accordance with Commission Regulation (EC) No. 517/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets.]

- F1** Art. 2(1) substituted (21.12.2020) by The Fisheries (Technical Conservation Measures) (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/367), regs. 1(2), **4(2)**
- F2** Art. 2(2) substituted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69), regs. 1(2)(a), **4(2)**

Commencement Information

- I2** Art. 2 in force at 1.7.2004, see **art. 1(1)**

Prohibition on fishing for shrimps without a separator trawl or sorting grid

3.—(1) This article applies to—

- (a) any Scottish fishing boat wherever it may be; and
- (b) any [^{F3}other] fishing boat within the Scottish zone.

(2) No fishing boat to which this article applies shall carry or deploy a net the mesh of which measures between 16 and 31 millimetres unless—

- (a) netting, the mesh of which measures at least twice that of the codend and no more than 70 millimetres, is fitted across the entire cross-section of the net in such a way that—
 - (i) sea fish cannot reach the codend without first passing through the netting; and
 - (ii) there is a hole in the net through which all sea fish that do not pass through the netting are able to escape;
- (b) a rigid grid, the spacing between the bars of which is no more than 20 millimetres, is fitted across the entire cross-section of the net in such a way that—
 - (i) sea fish cannot reach the codend without first passing through the grid; and
 - (ii) there is a hole in the net through which all sea fish that do not pass through the grid are able to escape;
- (c) no sea fish have been caught; or

[^{F4}(d) where sea fish have been caught, the quantity of either common shrimp (*Crangon* spp.) or Aesop shrimp (*Pandalus montagui*) or a combination of the two retained on board does not exceed 5% of the total live weight of catch retained on board ^{F5}....]

- F3** Word in art. 3(1)(b) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(a), **Sch. 2 para. 25(2)** (with s. 50, Sch. 4 para. 31)
- F4** Art. 3(2)(d) substituted (7.2.2008) by The Shrimp Fishing Nets (Scotland) Amendment Order 2008 (S.S.I. 2008/10), arts. 1, **2**
- F5** Words in art. 3(2)(d) omitted (21.12.2020) by virtue of The Fisheries (Technical Conservation Measures) (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/367), regs. 1(2), **4(3)**

Changes to legislation: There are currently no known outstanding effects for the
The Shrimp Fishing Nets (Scotland) Order 2004. (See end of Document for details)

Commencement Information

I3 Art. 3 in force at 1.7.2004, see [art. 1\(1\)](#)

Powers of British sea-fishery officers

F6 **4.**

F6 [Art. 4](#) omitted (21.12.2020) by virtue of [The Fisheries \(Technical Conservation Measures\) \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/367\)](#), regs. 1(2), **4(4)**

St Andrew's House, Edinburgh

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order regulates the carriage and use of any fishing nets within mesh size between 16 and 31 millimetres, measured in accordance with Commission Regulation (EC) No. 129/2003 laying down detailed rules for determining the mesh size and thickness of twine of fishing nets (O.J. No. L 22, 25.1.03, p.5). The Order implements Article 25 (on the use of veil nets and sorting grids in shrimp fisheries) of Council Regulation (EC) No. 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (O.J. No. L 125, 27.4.98, p.1).

The Order applies to a Scottish fishing boat wherever it may be and to relevant British fishing boats in the Scottish Zone.

The Order prohibits such fishing boats from carrying or using such nets other than in specified circumstances (article 3).

The specified exceptions are where defined attachments are fitted to the net (article 3(2)(a) and (b)), where no sea fish have been retained on board (article 3(2)(c)) or where less than 60% by live weight of the total catch retained comprises common shrimps, Aesop shrimps or a combination of the two and any sea fish retained on board the boat are retained in accordance with Article 25 of Council Regulation 850/98 (article 3(2)(d)).

If the prohibition in the Order is contravened in the case of any fishing boat, the master, the owner and the charterer are each guilty of an offence and liable on summary conviction to a fine not exceeding £5000 and on conviction on indictment to a fine (sections 3(5) and 11(1)(b) of the Sea Fish (Conservation) Act 1967 (c. 84)). The court may also impose an additional fine not exceeding the value of the fish caught with the net or order the forfeiture of the net (section 11(2)(b) and (3) of that Act).

The Order confers powers of enforcement on British sea-fisheries officers for the purposes of enforcing the Order or any equivalent Order (article 4).

A Regulatory Impact Assessment has been prepared for this Order. Copies can be obtained from the Scottish Executive Environment and Rural Affairs Department, Sea Fisheries Division, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

Changes to legislation:

There are currently no known outstanding effects for the The Shrimp Fishing Nets (Scotland) Order 2004.