

2007 No. 13

SEA FISHERIES

CONSERVATION OF SEA FISH

**The Prohibition of Fishing with Multiple Trawls (No. 2)
(Scotland) Amendment Order 2007**

<i>Made</i> - - - -	<i>18th January 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>19th January 2007</i>
<i>Coming into force</i> - -	<i>22nd January 2007</i>

The Scottish Ministers, in exercise of the powers conferred by section 5 of the Sea Fish (Conservation) Act 1967^(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Amendment Order 2007 and shall come into force on 22nd January 2007.

Amendment of the Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Order 2000

2.—(1) The Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Order 2000^(b) is amended in accordance with this article.

(2) For article 3 (prohibition of method of fishing) substitute—

“Prohibition of method of fishing

3.—(1) Subject to paragraph (2) fishing—

- (a) by any Scottish fishing boat wherever it may be; or
- (b) by any relevant British fishing boat within the Scottish zone,

with any trawl other than a single trawl is prohibited.

(2) Paragraph (1) shall not apply to fishing with two trawls—

- (a) by any beam trawler;

^(a) 1967 c.84 (“the 1967 Act”); section 5(1) was substituted by the Fisheries Act 1981 (c.29), section 22(1). Relevant modifications are contained in the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I. 1999/1748), article 5 and the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756), articles 3, 5 and 6. Section 22(2) of the 1967 Act, which contains a definition of “the Ministers”, was modified in relation to Scotland by section 22A(12)(b) of that Act, as inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 43(13). 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).

^(b) S.S.I. 2000/405 as amended by S.S.I. 2003/166.

- (b) having a mesh size of not less than 80 millimetres in the Fladen area;
- (c) having a mesh size of not less than 80 millimetres–
 - (i) in ICES VI south of a line drawn westwards from a point on the Scottish mainland at 56°North 05°40'31"West;
 - (ii) in ICES VII (Irish Sea, West of Ireland and Porcupine Bank, South Coast of Ireland, Bristol Channel and English Channel); or
 - (iii) in ICES IV south of a line drawn eastwards from the east coast of England at 53° north latitude; and
- (d) having a mesh size of 95 millimetres or more.”.

Revocation

3. The following Orders are revoked–

- (a) the Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Amendment Order 2003(a) is hereby revoked;
- (b) the Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Amendment Order 2006(b).

St Andrew's House,
Edinburgh
18th January 2007

ROSS FINNIE
A member of the Scottish Executive

(a) S.S.I. 2003/166.
(b) S.S.I. 2006/602.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Order 2000 (“the principal Order”) made under the Sea Fish (Conservation) Act 1967. The Order forms part of the law of Scotland only.

The principal Order provides for stricter measures for the management and conservation of stocks pursuant to Article 46 of Council Regulation (EEC) No. 850/98 of 30th March 1998 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, which is also made pursuant to Article 46 of that Regulation, substitutes a new article 3 of the principal Order (article 2). New article 3(1) prohibits fishing with any trawl other than a single trawl, subject to the exceptions set out in new article 3(2). The prohibition applies to Scottish fishing boats wherever they may be and to relevant British fishing boats within the Scottish zone (new article 3(1)).

The prohibition does not apply to fishing with two trawls where such fishing is carried out by any beam trawler (new article 3(2)(a)) or where such fishing is carried out in certain areas with trawls having a mesh size of not less than 80 millimetres (new article 3(2)(b) and (c)) or where such fishing is carried out in any area with trawls having a mesh size of 95 millimetres or more (new article 3(2)(d)).

Article 3 of the Order revokes the Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Amendment Order 2003 and the Prohibition of Fishing with Multiple Trawls (No. 2) (Scotland) Amendment Order 2006.

Penalties for breaches of Orders made under the Sea Fish (Conservation) Act 1967 are provided for in that Act.

A Regulatory Impact Assessment relating to this Order has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from The Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TW.

2007 No. 13

SEA FISHERIES

CONSERVATION OF SEA FISH

**The Prohibition of Fishing with Multiple Trawls (No. 2)
(Scotland) Amendment Order 2007**

£3.00

© Crown Copyright 2007

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland