
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 443

The Shetland Islands Regulated Fishery (Scotland) Order 2009

Licensing of Fishing

5.—(1) No person shall dredge, fish for or take any of the prescribed species within the fishery except under the authority of a licence issued in that behalf, on application, by the Organisation and, subject to paragraph (4) below, a licence shall be valid for the period, not exceeding 12 months, specified therein.

(2) No person shall use a vessel for dredging, fishing for or taking any of the prescribed species within the fishery except under the authority of a licence issued under paragraph (1) above in which the vessel is named.

(3) The prohibitions in paragraphs (1) and (2) shall not apply to any person—

- (a) fishing for or taking; or
- (b) using a vessel wholly to fish for or take,

any of the prescribed species within the fishery where none of those species caught or taken is to be sold, traded or otherwise exchanged for benefit.

(4) Subject to paragraph (9), a licence for dredging, fishing for or taking any of the prescribed species from a vessel shall be issued jointly to the applicant, who shall be the owner of the vessel, and the applicant's representative and shall be used only by those persons or, with the written authority of the Organisation and in accordance with any conditions contained in that authority, by a deputy nominated by them.

(5) No applicant who is the registered joint owner of a vessel shall be issued with a licence in accordance with paragraph (4) to dredge, fish for or take any of the prescribed species from that vessel if, for the period in respect of which the application relates, the Organisation has—

- (a) received from another joint owner an application for a licence; or
- (b) granted to another joint owner a licence,

to dredge, fish for or take any of the prescribed species from that vessel.

(6) Subject to any directions given by the Scottish Ministers and the provisions of this Order, the Organisation may issue licences under paragraph (1) in such numbers and to such persons as it may determine and in particular may, after consultation with such organisations as appear to it to be representative of interests likely to be substantially affected by a limitation on the number of licences issued, and such other persons as the Organisation thinks fit, place a limitation on the number of such licences which may be issued in any one fishing season having particular regard to scientific advice on the desirability of limiting the level of exploitation.

(7) Subject to any directions given by the Scottish Ministers and the provisions of this Order, licences issued under this article may authorise the dredging, fishing for or taking of any of the prescribed species at such times, in such manner and in such parts of the fishery as the Organisation may determine.

(8) Any person dredging, fishing for or taking any of the prescribed species within the fishery under the authority of a licence issued under this article shall, when so requested by any officer authorised by the Organisation and after production by that officer of written evidence of his

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authority if so required, produce the licence and shall desist from dredging, fishing for or taking any of the prescribed species within the fishery until it is produced.

(9) At the discretion of the Organisation, no person may be named on a licence in accordance with paragraph (4) as the representative of an applicant if on at least two separate occasions within the period of 24 months immediately preceding the date of application for the licence that person has been convicted of an offence under section 3(3) of the 1967 Act.