
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for conservation measures for sharks, skates and rays in Scottish waters, pursuant to Article 10 of Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (“the Council Regulation”).

This Order—

- (a) applies to Scottish fishing boats, relevant British fishing boats and, in relation to articles 5 to 7, to any other fishing boat or vessel (except an EU fishing boat or third country fishing boat), whose master, owner or charterer (if any) is a person established in the United Kingdom within the meaning of Article 10(a) of the Council Regulation (article 3);
- (b) prohibits fishing for tope, other than by rod and line or hand-line, by any such boat in the Scottish zone (article 4);
- (c) prohibits the trans-shipment of tope, caught by rod and line or hand-line (wherever caught), into or from any such boat or vessel in the Scottish zone (article 5);
- (d) prohibits the landing of tope (wherever caught) from any such boat or vessel in Scotland (article 6);
- (e) prohibits the landing of specified species of shark, skate and ray, caught by rod and line or hand-line (wherever caught), from any such boat or vessel in Scotland (article 7 and the Schedule);
- (f) gives British sea-fishery officers powers to enforce the Order (including power to detain a fishing boat in port), in addition to their powers under section 15 of the Sea Fish (Conservation) Act 1967 (article 8).

Contravention of a prohibition imposed by this Order is an offence under section 5(1), 5(6), 6(5) or 6(5A) of the Sea Fish (Conservation) Act 1967. Section 11 of that Act prescribes the penalties—

- (a) a fine not exceeding £50,000 on summary conviction; or
- (b) an unlimited fine on conviction on indictment.

In either case, the court may also order forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence. On summary conviction, if the court does not order the forfeiture of fish, it may impose an additional fine not exceeding the value of the fish.

No Business and Regulatory Impact Assessment has been prepared for this Order, as it has no impact on the cost of business.

Changes to legislation:

There are currently no known outstanding effects for the The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012.