

2019 No. 345

EXITING THE EUROPEAN UNION

SEA FISHERIES

The Fishing Boats Designation (EU Exit) (Scotland) Order 2019

Made - - - - at 10.45 a.m. on 28th October 2019

Laid before the Scottish Parliament at 2.00 p.m. on 28th October 2019

Coming into force in accordance with article 1(1)

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2(1) and (4) and 6(2) of the Fishery Limits Act 1976^(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) This Order may be cited as the Fishing Boats Designation (EU Exit) (Scotland) Order 2019 and comes into force on exit day.

(2) This Order extends to Scotland only.

Interpretation

2.—(1) In this Order—

“the Act” means the Fishery Limits Act 1976,

“the baselines”, except where otherwise indicated, means the baselines from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured, established by the Territorial Sea (Baselines) Order 2014^(b),

“demersal fish” means all sea fish except salmon, migratory trout, mackerel, clupeoid fishes, sand eels, Norway pout, smelts, eels, great weevvers, crustaceans and molluscs (other than cephalopods),

“exit day” has the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018^(c),

“ICES”, in relation to an area or areas, refers to one or more of the statistical sub-areas and divisions established by the International Council for the Exploration of the Sea^(d), listed in column 1 of schedule 2 and respectively described in column 2 of that schedule, but excluding

(a) 1976 c.86 (“the 1976 Act”). Section 2(1), (4) and (9) was amended by S.I. 1999/1820. Section 8 of the 1976 Act, which contains a definition for “the Ministers” and “the Scottish zone” which are relevant to the powers under which the Order is made, was amended by S.I. 1999/1820.

(b) S.I. 2014/1353.

(c) 2018 c.16.

(d) Cmnd. 2586.

any part of those areas which is within 12 miles from the baselines or which is outside the Scottish zone.

(2) All directions in schedules 1 and 2 are related to the true compass.

Access to fisheries

3.—(1) There are designated for the purposes of section 2(1) of the Act—

- (a) the countries specified in column 1 of schedule 1 (“designated countries”), and
- (b) in relation to each designated country, the areas specified in respect of that country in column 2 of that schedule (“designated areas”).

(2) The descriptions of sea fish for which the fishing boats registered in any of the designated countries may fish in any designated area are those specified in column 3 of schedule 1 in respect of that area.

(3) Schedule 1 has effect subject to the following—

- (a) “combined quota species” means grenadiers, rat-tails, mora mora and greater forkbeard,
- (b) where it appears in column 3 of schedule 1 in relation to Norway, “other species” means sea fish of descriptions other than those specified in that column in relation to Norway,
- (c) “other white fish” means white fish of descriptions other than those specified in column 3 of schedule 1 in relation to Faroe Islands, subject to the qualification that catches must be limited to by-catches,
- (d) “blue ling”, where specified in column 3 of schedule 1 in relation to Faroe Islands, includes by-catches of roundnose grenadier and black scabbard,
- (e) “Norway pout”, where specified in column 3 of schedule 1 in relation to Faroe Islands, includes unavoidable by-catches of other species of sea fish,
- (f) “sprat”, where specified in column 3 of schedule 1 in relation to Faroe Islands, includes by-catches of blue whiting and herring,
- (g) “blue whiting”, where specified in column 3 of schedule 1 in relation to Faroe Islands includes unavoidable by-catches of argentine,
- (h) “ling”, where specified in column 3 of schedule 1 in relation to Faroe Islands or Norway, includes by-catches of other species of sea fish,
- (i) “tusk”, where specified in column 3 of schedule 1 in relation to Faroe Islands or Norway, includes by-catches of other species of sea fish.

Stowage of gear

4. Where any fishing gear of a foreign fishing boat^(a) is required by section 2(4) of the Act to be stowed while the boat is in an area within the Scottish zone, the gear must be stowed in accordance with the following requirements—

- (a) all such fishing gear must be carried wholly inboard,
- (b) all nets and trawlboards and weights must be disconnected from their towing or hauling wires or ropes,
- (c) all trawlboards and weights must be secured at deck level or carried below deck,
- (d) all nets which are on deck or above deck must be securely lashed to some part of the superstructure of the fishing boat.

(a) The term ‘foreign fishing boat’ is defined in section 8 of the 1976 Act, as amended by paragraph 49(a) of schedule 13 of the Merchant Shipping Act 1995 (c.21).

Revocations

5. The instruments specified in schedule 3 are revoked so far as they apply to the Scottish zone.

BEN MACPHERSON

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
At 10.45 a.m. on 28th October 2019

- (ii) a line drawn due west from Barra Head lighthouse,
 - (c) an area between—
 - (i) a line drawn due west from the Butt of Lewis lighthouse, and
 - (ii) a line joining the Butt of Lewis lighthouse to the point 59°30'N, 005°45'W.
 - 3. Such part of the area within 12 miles, but outside 6 miles, from the baselines adjacent to the Isles of Harris and Lewis and between—
 - (d) latitude 57°40'N, and
 - (e) a line drawn due west from the Butt of Lewis lighthouse as lies outside 6 miles from the baselines adjacent to the Flannan Islands.
 - 4. The area within 12 miles, but outside 6 miles, from the baselines adjacent to the St. Kilda Group.
 - 5. Such part of the area within 12 miles, but outside 6 miles, from the baselines adjacent to the Flannan Islands as lies outside 12 miles from the baselines adjacent to the Isles of Harris and Lewis.
- Germany
- 1. Any part of the Scottish zone outside 12 miles from the baselines. All descriptions of sea fish.
 - 2. The area within 12 miles, but outside 6 miles, from the baselines adjacent to the Shetland and Fair Isle and between—
 - (a) a line drawn south-east from Sumburgh Head lighthouse (Shetland),
 - (b) a line drawn due north-east from Skroo lighthouse (Fair Isle), and
 - (c) a line drawn south-west from Skadan lighthouse (Fair Isle).
 - 3. The area within 12 miles, but outside 6 miles, from the baselines adjacent to the Isle of Lewis and between—
 - (a) a line drawn due west from the Butt of Lewis lighthouse, and
 - (b) a line joining Butt of Lewis lighthouse to the point 59°30'N, 5°45'W.

	4. The area within 12 miles, but outside 6 miles, from the baselines adjacent to the Islands of Sulisker and North Rona.	Herring.
	5. The area within 12 miles, but outside 6 miles, from the baselines adjacent to the St Kilda Group.	Herring and mackerel.
Greece	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Hungary	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Republic of Ireland	1. Any part of the Scottish zone outside 12 miles from the baselines	All descriptions of sea fish.
	2. Such parts of the area within 12 miles, but outside 6 miles, from the baselines adjacent to Scotland, and between—	Demersal fish and nephrops.
	(a) a line drawn due north from Point Lynas lighthouse, and	
	(b) a line drawn due south from the Mull of Galloway lighthouse,	
	as lie no nearer to the Isle of Man than a line every point of which is equidistant from the nearest points of, on the one hand, the baselines adjacent to Great Britain and, on the other hand, the baselines adjacent to the Isle of Man.	
	3. Such part of the area within 12 miles, but outside 6 miles, from the baselines adjacent to Northern Ireland as lies outside 6 miles from the baselines adjacent to Scotland.	
	4. An area within 12 miles, but outside 6 miles, from the baselines adjacent to Scotland and between—	Demersal fish and nephrops.
	(c) latitude 55°35'N, and	
	(d) a line drawn due west from Barra Head lighthouse.	
Italy	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Latvia	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Lithuania	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Luxembourg	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Malta	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Netherlands	1. Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Norway	2. The area within 12 miles, but outside 6 miles, from the baselines adjacent to Shetland and Fair Isle between—	Herring.

- (a) a line drawn south-east from Sumburgh Head lighthouse (Shetland),
- (b) a line drawn north-east from Skroo lighthouse (Fair Isle), and
- (c) a line drawn south-west from Skadan lighthouse (Fair Isle).

	ICES IIa.	Argentine, blue ling, blue whiting, Greenland halibut, ling, tusk, other species.
	ICES IV.	Blue ling, cod, ling, haddock, herring, horse mackerel, Norway pout, plaice, saithe, sole, sprat, tusk, whiting, other species.
	ICES IVa.	Argentine, blue whiting.
	ICES Vb.	Blue ling, ling, tusk, combined quota species.
	ICES VI.	Blue ling, Greenland halibut, ling, tusk, combined quota species.
	Part of ICES VIa.	Argentine, blue whiting, saithe.
	ICES VIb.	Argentine, blue whiting.
Poland	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Portugal	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Romania	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Slovakia	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Slovenia	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Spain	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.
Sweden	Any part of the Scottish zone outside 12 miles from the baselines.	All descriptions of sea fish.

SCHEDULE 2

Article 2

ICES areas

<i>ICES area</i>	<i>Description</i>
II	The waters bounded by a line from the geographic North Pole along the meridian of 30°00' east longitude to 72°00' north latitude; thence due west to 26°00' east longitude; thence due south to the coast of Norway; thence in a westerly and southwesterly direction along the coast of Norway to 62°00' north latitude; thence due west to 4°00' west longitude; thence due north to 63°00' north latitude; thence due west to 11°00' west longitude; thence due north to 63°00' north latitude; thence due west to 11°00' west longitude; thence due north to the geographic North Pole.
IIa	The waters bounded by a line beginning at a point on the coast of Norway at 62°00' north latitude; thence due west to 4°00' west longitude; thence due north to 63°00' north latitude; thence due west to 11°00' west longitude; thence due north to 73°30' north latitude; thence due east to 30°00' east longitude; thence due south to 72°00' north latitude; thence due west to 26°00' east longitude; thence due south to the coast of Norway; thence in a westerly and southwesterly direction along the coast of Norway to the point of beginning.
IV	The waters bounded by a line beginning at a point on the coast of Norway at 62°00' north latitude; thence due west to 4°00' west longitude; thence due south to the coast of Scotland; thence in an easterly and southerly direction along the coasts of Scotland and England to a point at 51°00' north latitude; thence due east to the coast of France; thence in a northeasterly direction along the coasts of France, Belgium, the Netherlands, and Germany to the western terminus of its boundary with Denmark; thence along the west coast of Jutland to Thyborøn; thence in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; thence across the eastern entrance of the Limfjord to Hals; thence in a westerly direction along the north coast of the Limfjord to the southernmost point of Agger Tange; thence in a northerly direction along the west coast of Jutland to Hanstholm lighthouse; thence in a northwesterly direction to the Lindesnes lighthouse; thence due north to the coast of Norway; thence in a northwesterly direction along the coast of Norway to the point of beginning.
IVa	The waters bounded by a line beginning at a point on the coast of Norway at 62°00' north latitude; thence due west to 4°00' west longitude; thence due south to the coast of Scotland; thence in an easterly and southerly direction along the coast of Scotland to a point at 57°30' north latitude; thence due east to the line between the Lindesnes lighthouse and the Hanstholm lighthouse; thence due northwest alongside this line; thence in a northwesterly direction along the coast of Norway to the point of beginning.
IVb	The waters bounded by a line beginning at the Hanstholm lighthouse; thence northwest alongside the line towards the Lindesnes lighthouse up until the 57°30' north latitude; thence due west to the coast of Scotland; thence in a southerly direction along the coasts of Scotland and England to a point at 53°30' north latitude; thence due east to the coast of Germany; thence in a northeasterly direction along the coast of Jutland to Thyborøn; thence in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; thence across the eastern

entrance of the Limfjord to Hals; thence in a westerly direction along the north coast of the Limfjord to the southernmost point of Agger Tange; thence in a northerly direction along the west coast of Jutland to the point of beginning.

V The waters bounded by a line beginning at a point at 68°00' north latitude, 11°00' west longitude; thence due west to 27°00' west longitude; thence due south to 62°00' north latitude; thence due east to 15°00' west longitude; thence due south to 60°00' north latitude; thence due east to 5°00' west longitude; thence due north to 60°30' north latitude; thence due east to 4°00' west longitude; thence due north to 63°00' north latitude; thence due west to 11°00' west longitude; thence due north to the point of beginning.

Vb The waters bounded by a line beginning at a point at 63°00' north latitude, 4°00' west longitude; thence due west to 15°00' west longitude; thence due south to 60°00' north latitude; thence due east to 5°00' west longitude; thence due north to 60°30' north latitude; thence due east to 4°00' west longitude; thence due north to the point of beginning.

VI The waters bounded by a line beginning at a point on the north coast of Scotland at 4°00' west longitude; thence due north to 60°30' north latitude; thence due west to 5°00' west longitude; thence due south to 60°00' north latitude; thence due west to 18°00' west longitude; thence due south to 54°30' north latitude; thence due east to the coast of the Republic of Ireland; thence in a northerly and easterly direction along the coasts of the Republic of Ireland and Northern Ireland to a point on the east coast of Northern Ireland at 55°00' north latitude; thence due east to the coast of Scotland; thence in a northerly direction along the west coast of Scotland to the point of beginning.

VIa The waters bounded by a line beginning at a point on the north coast of Scotland at 4°00' west longitude; thence due north to 60°30' north latitude; thence due west to 5°00' west longitude; thence due south to 60°00' north latitude; thence due west to 12°00' west longitude; thence due south to 54°30' north latitude; thence due east to the coast of the Republic of Ireland; thence in a northerly and easterly direction along the coasts of the Republic of Ireland and Northern Ireland to a point on the east coast of Northern Ireland at 55°00' north latitude; thence due east to the coast of Scotland; thence in a northerly direction along the west coast of Scotland to the point of beginning.

Part of ICES VIa The part of ICES area VIa north of 56°30' north.

VIb The waters bounded by a line beginning at a point at 60°00' north latitude, 12°00' west longitude; thence due west to 18°00' west longitude; thence due south to 54°30' north latitude; thence due east to 12°00' west longitude; thence due north to the point of beginning.

SCHEDULE 3

Article 5

Revocations

1. The Fishing Boats (Belgium) Designation Order 1965(**a**),
2. The Fishing Boats (France) Designation Order 1965(**b**),
3. The Fishing Boats (Republic of Ireland) Designation Order 1965(**c**),
4. The Fishing Boats (European Economic Community) Designation Order 1983(**d**),
5. The Fishing Boats (European Economic Community) Designation (Variation) Order 1986(**e**),
6. The Fishing Boats (European Economic Community) Designation (Variation) Order 1992(**f**),
7. The Fishing Boats (European Economic Community) Designation (Variation) Order 1996(**g**),
8. The Fishing Boats (Specified Countries) Designation Order 1996(**h**),
9. The Fishing Boats (Specified Countries) Designation (Variation) Order 1997(**i**).

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- (a) S.I. 1965/1569.
(b) S.I. 1965/1241.
(c) S.I. 1965/1448.
(d) S.I. 1983/253.
(e) S.I. 1986/382.
(f) S.I. 1992/3108.
(g) S.I. 1996/248.
(h) S.I. 1996/1035.
(i) S.I. 1997/1630.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the existing statutory instruments listed in schedule 3 so far as they apply to Scotland and the Scottish zone and consolidates their provisions with some amendments. The Order designates additional countries for the purposes of section 2(1) of the Fishery Limits Act 1976 (“the Act”). The Order also provides how fishing gear is to be stowed for the purposes of section 2(4) of the Act. This Order extends to Scotland.

Article 3 designates countries specified in schedule 1 for the purposes of section 2(1) of the Act, the areas in which fishing boats registered in each of those countries may fish and the descriptions of sea fish for which they may fish.

For the purposes of section 2(4) of the Act, article 4 prescribes how fishing gear which is not required for permitted fishing is to be stowed on foreign fishing boats while in an area of the Scottish zone. The master of a fishing boat is guilty of an offence under section 2(5) of the Act in the case of any contravention of section 2(2) to (4) of the Act, including any failure to comply with the requirements of article 4.

Article 5 revokes the instruments listed in schedule 3 so far as they apply to Scotland and the Scottish zone.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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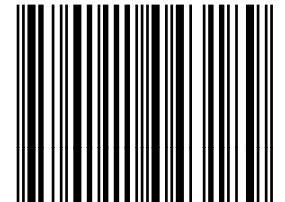
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