

## SCHEDULES

### SCHEDULE 8

#### POWERS TO MAKE FURTHER PROVISION: DEVOLVED AUTHORITIES

##### PART 1

##### SCOTTISH MINISTERS

###### *Power to make provision about fisheries, aquaculture etc*

- 1 (1) The Scottish Ministers may by regulations make provision—
- (a) for the purpose of implementing an international obligation of the United Kingdom relating to fisheries, fishing or aquaculture,
  - (b) for a conservation purpose (see sub-paragraph (2)), or
  - (c) for a fish industry purpose (see sub-paragraph (3)).
- (2) “A conservation purpose” means any of the following—
- (a) the purpose of conserving, improving or developing marine stocks;
  - (b) the purpose of protecting the marine and aquatic environment from the effects of fishing or aquaculture, or of related activities;
  - (c) the purpose of protecting or improving the health of any fish or other aquatic animal.
- (3) “A fish industry purpose” means any of the following—
- (a) the purpose of promoting or developing commercial fish or aquaculture activities;
  - (b) the purpose of improving the traceability of fishery products;
  - (c) the purpose of disseminating information about fishery products.
- (4) Except so far as they are regional fisheries management regulations, regulations under sub-paragraph (1) may only include provision about—
- (a) the quantity of sea fish that may be caught;
  - (b) the amount of time that fishing boats may spend at sea;
  - (c) the landing of sea fish;
  - (d) bycatch;
  - (e) catching, landing or selling sea fish that are below a certain size;
  - (f) setting and enforcing targets relating to marine stocks;
  - (g) the design of sea fishing equipment;
  - (h) the use of sea fishing equipment;
  - (i) the retrieval of lost or discarded sea fishing equipment;
  - (j) methods of sea fishing;
  - (k) the processing of sea fish;

---

*Status: This is the original version (as it was originally enacted).*

---

- (l) the use to which the Scottish Ministers may put information obtained in the exercise of their functions relating to fisheries or aquaculture;
  - (m) the functions, objectives or regulation of producer organisations or inter-branch organisations;
  - (n) the marketing of fishery products (including labelling);
  - (o) keeping, disclosing or publishing accounts, records or other documents or information by persons involved in—
    - (i) commercial fish or aquaculture activities, or
    - (ii) monitoring, or enforcing, compliance with the regulation of commercial fish or aquaculture activities;
  - (p) the use in aquaculture, or transport, of aquatic organisms that are members of an alien species or a locally absent species;
  - (q) monitoring, or enforcing, compliance with the regulation of any of matters mentioned in the preceding paragraphs of this sub-paragraph.
- (5) In sub-paragraph (4) “regional fisheries management regulations” means regulations that give effect (or change the way in which effect is given) to a requirement imposed on, or a recommendation made to, the United Kingdom (whether directly or indirectly)—
- (a) by, or pursuant to, a regional fisheries management agreement, or
  - (b) by a regional fisheries management organisation.
- (6) Without prejudice to the generality of section 51(1)(b), regulations under this paragraph may make different provision in relation to—
- (a) different descriptions of sea fish or other animal,
  - (b) different descriptions of fishing boat, or
  - (c) different areas of the sea or inland waters.