

MARINE (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 8 Sea Fisheries

Chapter 1: The Sea Fish (Conservation) Act 1967

Section 158 - Extension of modifications relating to Sea Fish (Conservation) Act 1967

Regulation of nets and other fishing gear

224. Section 3(1) of the Sea Fish (Conservation) Act 1967 enables the Scottish Ministers as regards Scotland to make an order in relation to relevant Scottish fishing boats applying restrictions to nets and other fishing gear in respect of their construction, design, material and size. An order under section 3 may apply only in relation to fishing for specified descriptions of sea fish, specified methods of fishing, and specified areas or periods.
225. Section 3(2) provides that an order may be made to extend to nets and fishing gear carried within British fishery limits (excluding the Scottish zone) by Scottish fishing boats, fishing boats registered outside the UK and unregistered boats. (This provision is modified as regards Scotland and section 3(2) enables the Scottish Ministers to make an order in relation to the Scottish zone in respect of relevant British fishing boats or fishing boats registered in any country outside the UK or not registered in any country).
226. In addition to other matters, section 3(3) and (4) provides for exemptions from the restrictions imposed by orders under section 3 of the Act to be made in relation to fishing boats. Section 3(5) of the Conservation Act creates offences for fishing in contravention of any orders made under section 3.
227. Currently, section 3 does not allow restrictions to apply equally to persons fishing from the shore as they apply to persons fishing from a boat.
228. By applying section 195 of the Marine and Coastal Access Act 2009 to Scotland section 158 amends section 3 so that restrictions of this type may be made by order in respect of persons fishing from the shore. Section 3 is also amended to create new offences for any person fishing from the shore in contravention of any restrictions and to allow for orders to exempt persons from the restrictions imposed.