STATUTORY INSTRUMENTS

1965 No. 1418 (S. 73)

SEA FISHERIES

The Sea Fisheries (Scotland) Byelaw (No. 73) 1965

Made - - - -	*4th May* 1965
Coming into Operation	*6th July* 1965

The Secretary of State in exercise of the powers conferred upon him by section 4 of the Sea Fisheries (Scotland) Amendment Act 1885(a) and sections 6 and 7 of the Herring Fishery (Scotland) Act 1889(b), and of all other powers enabling him in that behalf hereby makes the following Byelaw:—

Citation, commencement and interpretation.

1.—(1) This Byelaw may be cited as the Sea Fisheries (Scotland) Byelaw (No. 73) 1965.

(2) This Byelaw shall come into operation on the date of its confirmation by the Secretary of State.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this Byelaw as it applies for the interpretation of an Act of Parliament.

Revocation of Byelaw (No. 66) 1962.

2. The Sea Fisheries (Scotland) Byelaw (No. 66) 1962(d) is hereby revoked.

Method of Fishing permitted in a defined area of the Moray Firth.

3. Notwithstanding the provisions of Byelaw (No. 10) made by the Fishery Board for Scotland on 27th September 1892 and confirmed by the Secretary for Scotland on 22nd November 1892(e), it shall be lawful to use the method of fishing known as otter trawling in that area of the Moray Firth lying south of a line drawn due east (true) from Brora Point except those parts thereof lying (i) within three miles of low water mark of any part of the coast between Brora Point and Rattray Head, or (ii) to the westward of a straight line joining Brora Point and Tarbet Ness Lighthouse (which area is hereinafter referred to as "the defined area") subject to the following conditions:—

(a) such method of fishing shall be so lawful during the whole or any part of the period from 1st April to 31st October in any year occurring within the space of three years from the date of coming into operation of this Byelaw and for the purpose of capturing nephrops norvegicus;

(b) any boat from which such method of fishing is used within the defined area shall not exceed seventy feet in length overall;

(c) the number of otter boards used on any occasion in such method of fishing shall not exceed two;

(a) 48 & 49 Vict. c. 70. (b) 52 & 53 Vict. c. 23.
(c) 52 & 53 Vict. c. 63. (d) S.I. 1962/1453 (1962 II, p.1590).
(e) Rev. VII, p. 1029: S.R. & O. 1892, p. 1010.

(d) any otter board so used shall be made of wood and shall not exceed one and one-half inches in thickness and the surface area of any side of any otter board shall not exceed fifteen square feet, including any keel or shoe which shall not exceed one and one-half inches in thickness and three inches in depth. No artifice shall be used for the purpose of evading the restrictions on the type and size of otter boards so used imposed by this Byelaw;

(e) it shall not be lawful for any boat carrying otter boards which are constructed otherwise than as provided for or exceed the dimensions specified in condition (d) of this paragraph to use such method of fishing within the defined area;

(f) no landing at the termination of a voyage by a boat which has been engaged in such method of fishing within the defined area at any time during such voyage shall contain more than twenty-five per centum by weight of fish other than nephrops norvegicus.

Made by the Secretary of State, 4th May 1965.

A. J. Aglen,
Fisheries Secretary.

Confirmed by the Secretary of State, 6th July 1965.

A. J. Aglen,
Fisheries Secretary.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of the Byelaw.)

This Byelaw replaces Byelaw (No. 66) 1962. It permits, on certain conditions, the use of a trawl net for the capture of Norway Lobsters in certain waters in the Moray Firth.

Under sections 3 and 8 of the Sea-Fishing Industry Act 1933, as amended by section 38 of the Sea Fish Industry Act 1938, section 1 of the White Fish and Herring Industries Act 1948 and section 5 of the Sea Fish Industry Act 1959, the mesh of net to be used is the standard laid down by the Order for the time being in force under the above Acts.