STATUTORY INSTRUMENTS

1962 No. 517 (S. 15)

SEA FISHERIES

The Sea Fisheries (Scotland) Byelaw (No. 61) 1962

Made - - - - 16*th January*, 1962
Coming into Operation 12*th March*, 1962

The Secretary of State in exercise of the powers conferred on him by section 4 of the Sea Fisheries (Scotland) Amendment Act, 1885(a), and of all other powers enabling him in that behalf, hereby makes the following Byelaw :—

1.—(1) This Byelaw may be cited as the Sea Fisheries (Scotland) Byelaw (No. 61), 1962.

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

2. Byelaw No. 40 made by the Fishery Board for Scotland on 17th June, 1929, and confirmed by the Secretary of State on 30th September, 1929(b), is hereby revoked in so far as it applies to the waters within the exclusive fishery limits between Greg Ness in Aberdeenshire and Red Head in Angus.

3. Notwithstanding Byelaw No. 17 made by the Fishery Board for Scotland on 21st October, 1898, and confirmed by the Secretary for Scotland on 7th December, 1898(c), it shall be lawful to use a seine net in the capture of white fish in the waters lying within the exclusive fishery limits between a line drawn due east (true) from Greg Ness in Aberdeenshire, and a line drawn due east (true) from Red Head in Angus:

Provided that—

(1) no otter boards, whether of wood or canvas or other material, shall be used and no boat carrying otter boards shall use a seine net within the permitted area ;

(2) the boat from which any such net is used shall not exceed 50 feet in length overall ;

(3) the net shall be hauled in as soon as its ends have been brought together and shall not be otherwise dragged or trailed along the bottom of the sea ;

(4) the net shall not be used between one half-hour after sunset and one half-hour before sunrise ;

(5) the net shall not be used within one half-mile of the mouth of any river, or within one half-mile of any salmon stake, fly or bag net ; and

(6) any sea-fish of any description which are of less than the minimum size prescribed in relation to sea-fish of that description by any Order in force under section 4 of the Sea-Fishing Industry Act, 1933(d) (as amended by section 38 of the Sea-Fishing Industry Act, 1938(e)) and by section 8 of the said act of 1933, and any salmon or

(a) 48 & 49 Vict. c. 70. (b) S.R. & O. 1929/809 (Rev. VII, p. 1040: 1929, p. 454).
(c) S.R. & O. 1898/1061 (Rev. VII, p. 1032: 1898, p. 371).
(d) 23 & 24 Geo. 5. c. 45. (e) 1 & 2 Geo. 6. c. 30.

sea trout taken in such fishing shall be returned to the sea immediately after each haul of the net is completed.

Made by the Secretary of State this Sixteenth day of January, 1962.

(Sgd.) *A. J. Aglen,*
Fisheries Secretary.

Confirmed by the Secretary of State this twelfth day of March 1962.

(Sgd.) *A. J. Aglen,*
Fisheries Secretary.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of the Byelaw, but is intended to indicate its general purport.)

This Byelaw permits, on certain conditions, the use of a seine net, by boats up to 50 feet in length overall, for the capture of white fish in certain waters off the East Coast between Greg Ness, Aberdeenshire and Red Head, Angus.

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 to be used is the standard laid down by the Order for the time being in force under the above Acts.