STATUTORY INSTRUMENTS

1968 No. 238 (S. 17)

SEA FISHERIES

The Sea Fisheries (Scotland) Byelaw (No. 77) 1967

Made - - -	19*th September* 1967
Coming into Operation	19*th February* 1968

The Secretary of State in exercise of the powers conferred upon him by sections 6 and 7 of the Herring Fishery (Scotland) Act 1889(a), 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. 77) 1967.

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

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

Revocation of Byelaw (No. 73) 1965

2. The Sea Fisheries (Scotland) Byelaw (No. 73) 1965(c) 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(d) 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 3 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 periods from the date of coming into operation of this Byelaw until 31st October 1967 and from 1st April 1968 until 5th July 1968 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 70 feet in length overall;

(*c*) the number of otter boards used on any occasion in such method of fishing shall not exceed 2;

(*d*) any otter board so used shall not exceed 1½ inches in thickness and shall be of such other dimensions that if placed on a level surface with the towing bracket upwards the product of the maximum length and the maximum breadth of the surface so covered shall not exceed 16 square feet;

(a) 1889 c. 23. (b) 1889 c.63. (c) S.I. 1965/1418 (1965 II, p. 4195).
(d) S.R. & O. 1892, p. 1010 (Rev. VII, p.1029).

(*e*) the surface area of the cross-section of any metal keel or shoe forming part of any otter board so used shall not exceed 4½ square inches;

(*f*) it shall not be lawful for any boat carrying any otter board which does not comply with the provisions of the foregoing conditions (*d*) and (*e*) to be engaged in using such method of fishing within the defined area;

(*g*) 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 25 per centum by weight of fish other than nephrops norvegicus.

Made by the Secretary of State,
19th September 1967.

A. J. Aglen,
Fisheries Secretary.

Confirmed by the Secretary of State,
19th February 1968.

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. 73) 1965. It permits, on certain conditions, the use of a trawl net for the capture of Norway Lobsters in certain waters in the Moray Firth during the period 1st April 1968 to 5th July 1968. It provides a method of measuring otter boards of irregular shape and removes a previous restriction which required that such boards should be made of wood.