
STATUTORY INSTRUMENTS

2000 No. 1843

**The Sea Fishing (North-East Atlantic
Control Measures) Order 2000**

PART I

INTRODUCTORY AND GENERAL

Title, commencement and extent

1.—(1) This Order may be cited as the Sea Fishing (North-East Atlantic Control Measures) Order 2000 and shall come into force on 24th July 2000.

(2) Subject to paragraph (3)—

(a) Part II of this Order shall form part of the law of England and Wales and of Northern Ireland only;

(b) Part III shall form part of the law of Scotland only.

(3) Nothing in paragraph (2) shall be treated as prejudicing the effect in any part of the United Kingdom of section 30(2A) of the Fisheries Act 1981⁽¹⁾ in relation to, or for purposes incidental to, any provision in this Order which creates an offence.

Interpretation

2.—(1) In this Order—

“British fishing boat” means a fishing boat which is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995⁽²⁾ or is owned wholly by persons qualified to own British ships for the purposes of that part of that Act;

“the Council Regulation” means Council Regulation (EC) No. 2791/1999 laying down certain control measures applicable in the area covered by the Convention on future multilateral cooperation in the north-east Atlantic fisheries⁽³⁾; which is to be read with Commission Regulation (EC) No. 1085/2000 laying down detailed rules for the application of control measures applicable in the area covered by the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries⁽⁴⁾;

“duly authorised inspector” has the meaning given by Article 2.9 of the Council Regulation;

“foreign fishing boat” means a fishing boat which is not a British fishing boat and which flies the flag either of a State which is a Contracting Party to the NEAFC Convention or of a Member State of the European Community;

“infringement” has the meaning given by Article 2.7 of the Council Regulation;

“NEAFC Convention” has the meaning given by the First Recital of the Council Regulation;

(1) Section 30(2A) was inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999

(2) 1995 c. 21.

(3) OJ No. L337, 30.12.99, p. 1.

(4) OJ No. L128, 29.5.2000, p. 1.

“NEAFC inspector” has the meaning given by Article 2.5 of the Council Regulation and shall include a British sea-fishery officer assigned to the Scheme under Article 3 of this Order;

“non-Contracting Party vessel” has the meaning given by Article 2.10 of the Council Regulation;

“regulated resources” has the meaning given by Article 2.3 of the Council Regulation;

“Regulation 2847/93” means Council Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy⁽⁵⁾;

“Regulatory Area” has the meaning given by Article 2.1 of the Council Regulation;

“relevant British fishing boat” means a British fishing boat which is not a Scottish fishing boat;

“the Scheme” has the meaning given by the Third Recital of the Council Regulation;

“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;

“Scottish zone” has the same meaning as in the Scotland Act 1998⁽⁶⁾;

“serious infringement” has the meaning given by Article 2.8 of the Council Regulation;

“specified Community measure” means a provision of the Council Regulation which is specified in column 1 of the Schedule, as read with any qualifying words relating to that provision in that column;

any any other expression used in the Council Regulation has the same meaning in this Order as in that Regulation.

(2) In this Order—

(a) the term “within relevant British fishery limits” does not include—

(i) the Scottish zone;

(ii) the territorial sea adjacent to the Isle of Man;

(iii) the territorial sea adjacent to the Bailiwick of Jersey; and

(iv) seas within British fishery limits adjacent to Guernsey, as defined by section 8 of the Fishery Limits Act 1976⁽⁷⁾;

(b) any reference to a document, logbook or declaration includes, in addition to a document, logbook or declaration in writing—

(i) any map, plan, graph or drawing;

(ii) any photograph;

(iii) any data, howsoever reproduced, communicated via a satellite-based vessel monitoring system established under Article 3.1 of Regulation 2847/93,

(iv) any disk, tape, sound track or other device in which sounds or other data (not being visual images) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and

(v) any film (including microfilm), negative, tape, disk or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom.

(3) Any reference in this Order—

(a) to “the Schedule” is a reference to the Schedule to this Order; and

⁽⁵⁾ OJ No. L261, 20.10.93, p.1, as last amended by Council Regulation (EC) No. 2846/98 (OJ No. L358, 31.12.98, p. 5).

⁽⁶⁾ 1998 c. 46; see section 126 and the Scottish Adjacent Waters Boundaries Order 1999 (S.I.1999/1126).

⁽⁷⁾ 1976 c. 86; as modified by paragraph 3(c) of the Schedule to the Fishery Limits Act 1976 (Guernsey) Order 1989

(b) to a Community instrument is a reference to that instrument and any amendment of such instrument in force on the date this Order is made.

(4) Column 2 of the Schedule (which provides in relation to each specified Community measure an indication of the subject matter of the provision) shall not be read as limiting the scope of any specified Community measure and shall be disregarded in relation to any question arising as to the construction of this Order.

Assignment of British sea-fishery officers to the Scheme

3.—(1) Any British sea-fishery officer may be assigned to the Scheme in accordance with this article (and such assignment shall accordingly constitute that officer a NEAFC inspector for the purposes of the Scheme and the Council Regulation).

(2) For the purposes of any provisions relating to NEAFC inspectors in Part II of this Order such assignment shall be made by the Minister of Agriculture, Fisheries and Food; but that Minister may authorise the Scottish Ministers in writing to make such assignments on his behalf and any assignments made by those Ministers under any such authorisation shall have effect accordingly.

(3) For the purposes of any provisions relating to NEAFC inspectors in Part III of this Order such assignment shall be made by the Scottish Ministers.