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STATUTORY RULES OF NORTHERN IRELAND

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**2018 No. 106**

**The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order (Northern Ireland) 2018**

**Offences under the Council Regulation**

8.—(1) It is an offence for the person in charge of a third country fishing vessel to enter port without authorisation granted under Article 7 of the Council Regulation.

(2) It is an offence for the person in charge of a fishing vessel to conduct a transshipment with a third country fishing vessel contrary to Article 4(3) of the Council Regulation.

(3) It is an offence for a person to import fishery products without a validated catch certificate pursuant to Article 12 of the Council Regulation.

(4) It is an offence for a person in charge of a fishing vessel to engage in directed fishing for a stock which is subject to a moratorium or for which fishing is otherwise prohibited contrary to Article 3(1)(d) of the Council Regulation.

(5) It is an offence for a person in charge of a fishing vessel to tranship fish or fishery products between, or participate in joint fishing operations with, a fishing vessel that—

- (a) has engaged in IUU fishing;
- (b) is on the [<sup>F1</sup>United Kingdom] IUU vessel list; or
- (c) is on an IUU vessel list of a regional fisheries management organisation.

(6) In relation to a fishing vessel on the [<sup>F2</sup>United Kingdom] IUU vessel list, it is an offence for a person—

- (a) to enter into an agreement to operate or beneficially own it;
- (b) to furnish it with any supplies, gear or people, except as necessary in the case of *force majeure* or distress; or
- (c) to engage in employment on it.

(7) In relation to a non-cooperating third country listed by the Council under Article 33 of the Council Regulation, it is an offence for a person to—

- (a) import fishery products caught by fishing vessel flying the flag of the third country unless the products are from stock or species to which the listing does not apply;
- (b) purchase a fishing vessel flying the flag of the third country;
- (c) reflag a [<sup>F3</sup>United Kingdom fishing vessel] so that it flies the flag of the third country;
- (d) enter into a charter agreement with the third country <sup>F4</sup> ...;
- (e) enter into an agreement for a [<sup>F5</sup>United Kingdom fishing vessel] to use the fishing possibilities of the third country; or
- (f) participate in joint fishing operations with a fishing vessel flying the flag of the third country.

(8) It is an offence for a person to conduct business directly connected to IUU fishing, within the meaning of Article 42(1)(b) of the Council Regulation.

(9) It is an offence for a person to falsify, or use falsified documents, contrary to Article 42(1)(c) of the Council Regulation.

(10) It is an offence for a person, knowing a consignment to be a controlled consignment, to move it or cause it to be moved otherwise than in accordance with the written consent of an authorised officer.

(11) It is an offence for a person to disclose information received from the Commissioners contrary to article 18(3).

(12) In paragraphs (1), (2), (4) and (5) the “person in charge” of a fishing vessel means the owner, master, charterer (if any) or their agents.

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| <b>F1</b> | Words in art. 8(5)(b) substituted (31.12.2020) by <a href="#">The Fisheries (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/209)</a> , regs. 1(1), <b>7(3)(a)</b> ; 2020 c. 1, Sch. 5 para. 1(1)           |
| <b>F2</b> | Words in art. 8(6) substituted (31.12.2020) by <a href="#">The Fisheries (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/209)</a> , regs. 1(1), <b>7(3)(b)</b> ; 2020 c. 1, Sch. 5 para. 1(1)              |
| <b>F3</b> | Words in art. 8(7)(c) substituted (31.12.2020) by <a href="#">The Fisheries (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/209)</a> , regs. 1(1), <b>7(3)(c)(i)</b> ; 2020 c. 1, Sch. 5 para. 1(1)        |
| <b>F4</b> | Words in art. 8(7)(d) omitted (31.12.2020) by virtue of <a href="#">The Fisheries (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/209)</a> , regs. 1(1), <b>7(3)(c)(ii)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F5</b> | Words in art. 8(7)(e) substituted (31.12.2020) by <a href="#">The Fisheries (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/209)</a> , regs. 1(1), <b>7(3)(c)(iii)</b> ; 2020 c. 1, Sch. 5 para. 1(1)      |

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**Commencement Information**

- I1** Art. 8 in operation at 1.6.2018, see [art. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order (Northern Ireland) 2018, Section 8.