
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the enforcement of Council Regulation (EC) No. 1005/2008 (OJNo. L 286, 29.10.2008, p.1) (“the Council Regulation”) and Commission Regulation (EC) 1010/2009 (OJ No. L 280, 27.10.2009, p.5) (“the Commission Regulation”) establishing restrictions and obligations relating to illegal, unreported and unregulated fishing.

Article 3 designates the competent authorities for the purposes of the Council Regulation and the Commission Regulation.

Article 4 provides for controls on movement of consignments of fishery products while verifications are carried out pursuant to Article 17 of the Council Regulation or Article 20 of the Commission Regulation (which can include a request for assistance from the flag state of the fishing vessel to ensure the accuracy of the information contained within, or the validity of, the catch certificate).

Article 5 permits movement of such consignments under certain circumstances.

Article 6(1) provides for the refusal of importation or permission to use transshipment facilities in circumstances where a landing or transshipment declaration has not been submitted in accordance with Article 8 of the Council Regulation or Article 3 of the Commission Regulation. Articles 6(2) and (3) provide for the seizure and sale, disposal and destruction of fishery products upon refusal of importation in the circumstances set out in Article 18(1) or (2) the Council Regulation.

Article 7 provides that a district council may charge a fee in respect of each consignment reflecting the expenses it has reasonably incurred.

Article 8 provides that certain activities prohibited in the Council Regulation are offences punishable summarily or on indictment and Article 9 provides for the penalties for such offences.

Articles 10 sets out the process in relation to the recovery of fines imposed by a magistrate’s court.

Articles 11 to 14 provide for powers of British sea-fishery officers in the enforcement of this Order.

Article 15 describes conditions for the protection of British sea-fishery officers from civil or criminal proceedings as a result of actions taken to enforce this Order.

Article 16 provides for an offence for the obstruction of British sea-fishery officers in the enforcement of this Order.

Articles 17 to 20 make provision for offences committed by bodies corporate, exchange of information, obtaining samples, and the admissibility of documents in evidence.

Changes to legislation:

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