
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 53

The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000

Interpretation

2.—(1) In this Order—

“the Council Regulation” means Council Regulation (EC) No. 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁽¹⁾ as corrected by Corrigendum to Annex XII of the Council Regulation⁽²⁾ and amended by Council Regulation (EC) No. 308/1999⁽³⁾ and Council Regulation (EC) No. 1459/99⁽⁴⁾;

“Community conservation measure” means a measure provided by Regulation 894/97 or by the Council Regulation specified in column 1 of the Schedule, as read, in the case of a measure provided by the Council Regulation, with any related provision of that Regulation mentioned in the entry in respect of such measure in column 1 of the Schedule;

“fish” includes crustacea, molluscs and parts of fish;

“fishery product” includes fish;

“Regulation 2847/93” means Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy⁽⁵⁾ as last amended by Council Regulation (EC) No. 2846/98⁽⁶⁾;

“Regulation 894/97” means Council Regulation (EC) No. 894/97 laying down certain technical measures for the conservation of fishery resources⁽⁷⁾ as amended by Council Regulation (EC) No. 1239/98⁽⁸⁾;

“relevant offence” means an offence under—

- (a) article 3, or
- (b) under any provision extending to any other part of the United Kingdom made for the purposes of implementing a Community conservation measure being a provision in respect of which, by virtue of section 30(2A) of the Fisheries Act 1981, proceedings may be commenced in any place in the United Kingdom;

“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995⁽⁹⁾ and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;

(1) O.J. No. L125, 27.4.98, p.1.

(2) O.J. No. L318, 27.11.98, p.63.

(3) O.J. No. L038, 12.2.99, p.6.

(4) O.J. No. L168, 3.7.99, p.1.

(5) O.J. No. L261, 20.10.93, p.1.

(6) O.J. No. L358, 31.12.98, p.5.

(7) O.J. No. L132, 23.5.97, p.1.

(8) O.J. No. L171, 17.6.98, p.1. With the exception of Articles 11, 18, 19 and 20, Regulations 894/97 is repealed by Article 49 of the Council Regulation as from 1st January 2000.

(9) 1995 c. 21.

“Scottish zone” has the same meaning as in section 126(1) of the Scotland Act 1998⁽¹⁰⁾.

(2) Any reference in this Order to a logbook, declaration or document includes, in addition to a logbook, declaration or document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any data, however reproduced, communicated via a satellite-based vessel monitoring system established under Article 3.1 of Regulation 2847/93;
- (d) any disk, tape, sound track or other device on 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
- (e) any film (including microfilm), negative, tape, disk or other device on 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 a numbered article is a reference to the article so numbered in this Order;
- (b) to the Schedule is a reference to the Schedule to this Order; and
- (c) to a numbered Article of the Council Regulation is a reference to the Article so numbered in the Council Regulation as read with any related provision of that Regulation mentioned in the entry relating to that Article in column 1 of the Schedule.

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

⁽¹⁰⁾ 1998 c. 46. The sea within British fishery limits (that is, the limits set by or under section 1 of the Fishery Limits Act 1976 (c. 86)) which is adjacent to Scotland as determined by the Scottish Adjacent Waters Boundaries Order 1999 (S.I.1999/1126).