
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 56

The Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2003

Interpretation

2.—(1) In this Order—

“Annex XVII” means Annex XVII to Council Regulation 2341/2002 of 20th December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required⁽¹⁾;

“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;

“day” has the same meaning as in paragraph 3 of Annex XVII;

“equivalent provision” means any provision in any other order made under section 30(2) of the Fisheries Act 1981 for the purposes of implementing Annex XVII, extending to any part of the United Kingdom which has equivalent effect to a specified provision in this Order, proceedings in respect of which, by virtue of section 30(2A) of the Fisheries Act 1981 may be commenced in any place in the United Kingdom;

“English fishing boat” means a fishing boat 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 England as the port to which the vessel is to be treated as belonging;

“fishing boat” includes any vessel to which Annex XVII applies;

“foreign fishing boat” means a fishing boat which is not a British fishing boat but to which Annex XVII applies;

“Northern Ireland 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 Northern Ireland as the port to which the vessel is to be treated as belonging;

“relevant British fishing boat” means—

- (a) except in relation to article 6, a Scottish fishing boat;
- (b) in relation to article 6—
 - (i) a Scottish fishing boat; and
 - (ii) an English, Welsh or Northern Ireland fishing boat where a Scottish fishing boat is the donor and it is the recipient or it is the donor and a Scottish fishing boat is the recipient,

(1) O.J. No. L 356, 31.12.02, p.12.

(2) 1995 c. 21.

licensed under section 4 of the Sea Fish (Conservation) Act 1967⁽³⁾, but does not include a British fishing boat which has an overall length of less than 10 metres;

“relevant offence” means an offence under this Order or under any equivalent provision;

“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 section 126(1) of the Scotland Act 1998⁽⁴⁾;

“unused days” at any time within a period identified in article 3(2), means the number of days in that period calculated in accordance with article 3, in which a fishing boat is permitted to be absent from port in any of the areas specified in paragraph 2 of Annex XVII while carrying any type of gear specified in paragraph 4 of Annex XVII, minus the number of days in that period in which it has been so absent while carrying that type of gear;

“Welsh 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 Wales as the port to which the vessel is treated as belonging.

(2) In this Order, “logbook” has the same meaning as in paragraph 18 of Annex XVII but, for the purposes of any provision of this Order, other than article 6 and 11, any reference to a document, logbook or declaration includes, in addition to a document, logbook or declaration in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any data, howsoever reproduced, communicated via a satellite-based vessel monitoring system established under Article 3.1 of Council Regulation 2847/93 establishing a control system applicable to the Common Fisheries Policy⁽⁵⁾, as last amended by Council Regulation (EC) No. 2846/98 of 17th December 1998⁽⁶⁾;
- (d) 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
- (e) 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 information provided to any authority for the purposes of any provision of this Order shall be treated as also provided for the purposes of any equivalent provision.

(3) 1967 c. 84. Section 4 was amended by the Fishery Limits Act 1976 (c. 86), section 3, the Fisheries Act 1981 (c. 29), section 20 and the Sea Fish (Conservation) Act 1992 (c. 60), section 1 and has effect in relation to Scotland as modified by section 22A inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820), Schedule 2, paragraph 43(13).

(4) 1998 c. 46.

(5) O.J. No. L 261, 20.10.93, p.1.

(6) O.J. No. L 358, 31.12.98, p. 5.