
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 81

The Sea Fishing (Restriction on Days at Sea) (Scotland) Amendment Order 2004

Amendment of the Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2004

2.—(1) The Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2004(1) is amended as follows.

(2) In article 6 (use of regulated gear)—

(a) for paragraph (4) substitute—

“(4) A relevant fishing boat or a foreign fishing boat which is present in the cod recovery zone carrying on board regulated gear falling within one of the groupings of fishing gears specified in paragraph 4 of Annex V shall not simultaneously carry on board regulated gear falling within any of the other groupings of fishing gear specified in paragraph 4 of Annex V.”; and

(b) in paragraph (5), after “boat” insert “or a foreign fishing boat”.

(3) For article 13 (maintenance of logbook) substitute—

“Maintenance of logbook

13.—(1) An entry shall be made in a logbook of a relevant fishing boat which is absent from port carrying any regulated gear but not fishing as specified in Article 6 of Regulation 2847/93, in respect of each particular which would be required to be entered by that Article (as read with Regulation 2807/83) were the boat so fishing, and such an entry shall state the type of fishing gear carried; and the requirements of those Regulations for handing over and dispatch of logbook entries, as modified by article 14, shall apply to the entries required by this article as they apply to other entries.

(2) Such an entry shall be made—

(a) daily, but not later than midnight at the end of each day;

(b) at the time of arrival in port;

(c) at the time of any inspection at sea; and

(d) at the time that an effort report is made as required by Article 19e.3 of Regulation 2847/93.

(3) Where a relevant fishing boat is absent from port and paragraph (1) requires a logbook entry to be made in respect of that absence the logbook entries shall be handed over and dispatched as if landing were made at the time of the arrival of the boat in port.

(4) Where there is, in respect of a relevant fishing boat, a failure to make an entry required by this article the person in charge of the fishing boat is guilty of an offence.”.

(4) In article 14 (submission of logbook at designated port)—

(a) in paragraph (2), for “paragraph (2)” substitute “paragraph (1)”; and

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(b) after paragraph (2) add—

“(3) For the purposes of this article “designated port” means any port specified in the Schedule to this Order.”.

(5) In article 17 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), for “6 to 14” substitute “6, 7 and 9 to 14”.

(6) In article 18 (powers of British sea-fishery officers on land), in paragraph (1), for “6 to 14” substitute “6, 7 and 9 to 14”.

(7) In article 23 (admissibility in evidence of logbooks and other documents), in paragraph (1), omit “of 12th October 1993”.