

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Regulations 2005*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the implementation and enforcement of Article 9 of Council Regulation (EEC) 2847/93 (O.J. No. L 261, 20.10.93, p.1) and Article 22 of Council Regulation 2371/2002 (O.J. No. L 358, 31.12.02, p.59).

The Regulations make provision for the registration of fish sellers (regulation 3). The Regulations provide that it is an offence for any person to sell first sale fish through a designated auction site if that person is not registered as a fish seller. It is an offence for first sale fish to be sold from a fishing vessel to an unregistered fish buyer (article 4). A registered fish seller is required to maintain records and it is an offence to fail to keep records or to produce them to a British sea-fishery officer at the request of that officer or to keep records which are false in a material particular (regulation 5).

The Regulations make provision for the designation of auction sites (regulation 6).

The Regulations make provision for the registration of fish buyers (regulation 7) and make provision for offences in relation to the purchase of fish by unregistered buyers (regulation 8). The Regulations require registered fish buyers to maintain records of the purchase of first sale fish and make provision for offences in relation to record keeping (regulation 9). The Regulations make provision for offences relating to the sale and purchase of first sale fish (regulation 10 and 11) and provide for penalties for all offences under the Regulations (regulation 12). The Regulations confer powers on British sea-fishery officers for the purposes of enforcing the Regulations or any equivalent provisions (regulation 13, 14 and 15). Provision is made for the protection of British sea-fishery officers in the exercise of their powers under the Regulations (regulation 16) and for an offence of obstructing such officers (regulation 17).

Provision is made in relation to offences and proceedings (regulation 18).

A Regulatory Impact Assessment in relation to these Regulations has been prepared and placed in the Scottish Parliament Information Centre. Copies of it can be obtained from the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2015/320 art. 31\(1\)\(d\)](#)
- reg. 4 coming into force by [S.S.I. 2005/286 reg. 1\(2\)\(b\)](#)
- reg. 4(2) omitted by [S.S.I. 2005/438 reg. 2\(2\)](#)
- reg. 5 coming into force by [S.S.I. 2005/286 reg. 1\(2\)\(b\)](#)
- reg. 8 coming into force by [S.S.I. 2005/286 reg. 1\(2\)\(b\)](#)
- reg. 8(2)(b) words substituted by [S.S.I. 2005/438 reg. 2\(3\)](#)
- reg. 10 coming into force by [S.S.I. 2005/286 reg. 1\(2\)\(b\)](#)
- reg. 11 coming into force by [S.S.I. 2005/286 reg. 1\(2\)\(b\)](#)
- reg. 12(2)(a) words omitted by [S.S.I. 2005/438 reg. 2\(4\)](#)