
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 438

SEA FISHERIES

**The Registration of Fish Sellers and Buyers and Designation
of Auction Sites (Scotland) Amendment Regulations 2005**

Made - - - - 8th September 2005
*Laid before the Scottish
Parliament* - - - - 9th September 2005
Coming into force - - 1st October 2005

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Amendment Regulations 2005 and shall come into force on 1st October 2005.

Amendment of the Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Regulations 2005

2.—(1) The Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Regulations 2005⁽²⁾ are amended in accordance with this regulation.

(2) In regulation 4 (sale of fish), omit paragraph (2).

(3) In regulation 8 (purchase of fish by an unregistered buyer), in paragraph (2)(b), for “50 kilogrammes” substitute “25 kilogrammes”.

(4) In regulation 12 (penalties), in paragraph (2)(a), omit “or (2)”.

(1) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions of the Minister of the Crown, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) S.S.I. 2005/286.

Pentland House Edinburgh
8th September 2005

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Regulations 2005 ([S.S.I. 2005/286](#)) (“the principal Regulations”) which 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 (EC)

[2371/2002](#) (O.J. No. L 358, 31.12.02, p.59).

The Regulations amend the principal Regulations by removing the offence, provided for in regulation 4(2) of the principal Regulations, of selling first sale fish (defined in regulation 2(1) of the principal Regulations as fish which are being sold for the first time but not including farmed fish) from a fishing vessel to a buyer who is not a registered fish buyer under the principal Regulations (regulation 2(2)).

The Regulations also amend regulation 8 of the principal Regulations to lower the threshold for purchasing fish for private consumption, provided for in regulation 8(2)(b) of the principal Regulations, from 50 kilogrammes to 25 kilogrammes (regulation 2(3)).