
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 100

SEA FISHERIES

**The Sea Fishing (Transitional EU Technical
Conservation Measures) (Scotland) Order 2010**

<i>Made</i>	- - - -	<i>11th March 2010</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>12th March 2010</i>
<i>Coming into force</i>	- -	<i>17th April 2010</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981(1), paragraph 1A of Schedule 2 to the European Communities Act 1972(2) and all other powers enabling them to do so.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(3) and it appears to the Scottish Ministers that it is expedient for any reference to Council Regulation (EC) No. 43/2009 to be construed as a reference to that Regulation as amended from time to time.

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- (1) 1981 c.29 (“the 1981 Act”); relevant modifications are contained in the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I. 1999/1748), article 5 and the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756), articles 3, 5 and 6. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). See section 30(3) of the 1981 Act for definitions of “enforceable Community restriction”, “enforceable Community obligation” and “the Ministers”. Section 30 of the 1981 Act has effect in relation to Scotland as modified by section 30(5) of that Act, inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 68(5)(b).
- (2) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006 (c.51), section 28 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
- (3) Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3), which was amended by the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”), section 27(4). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).