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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 320**

**SEA FISHERIES**

**The Sea Fishing (EU Control Measures) (Scotland) Order 2015**

*Made* - - - - *2nd September 2015*  
*Laid before the Scottish*  
*Parliament* - - - - *4th September 2015*  
*Coming into force* - - *5th October 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981 <sup>M1</sup> and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 <sup>M2</sup> 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 and it appears to the Scottish Ministers that it is expedient for references in this Order to the Control Regulation and the Implementing Regulation (as both defined in article 2) and Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) 639/2004 and Council Decision 2004/585/EC<sup>M3</sup> (in relation to the amendment at article 26(2)) to be construed as references to those instruments as amended from time to time.

**Marginal Citations**

- M1** 1981 c.29 (“the 1981 Act”); relevant modifications are contained in article 5 of S.I. 1999/1748 and articles 3, 5 and 6 of S.I. 1999/1756. 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) (“the 1998 Act”). Definitions of “enforceable Community restriction”, “enforceable EU obligation” and “the Ministers” are contained in section 30(3) of the 1981 Act. Section 30 of the 1981 Act has effect in relation to Scotland as modified by section 30(5) of that Act (which was inserted by paragraph 68(5) (b) of Schedule 2 to S.I. 1999/1820).
- M2** 1972 c.68. Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the 1998 Act (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7). The functions conferred on the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Part 2 and articles 24 and 26 of this Order are made under section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Sea Fishing (EU Control Measures) (Scotland) Order 2015, Introductory Text. (See end of Document for details)*

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**M3** OJ L 354, 28.12.2013, p.22, as amended by Council Regulation (EU) No 1385/2013 (OJ L 354, 28.12.2013, p.86) and Regulation (EU) 2015/812 (OJ L 133, 29.5.2015, p.1).

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