

POLICY NOTE

THE SEA FISHING (EU CONTROL MEASURES) (SCOTLAND) ORDER 2015

SSI 2015/320

1. This Order was made in exercise of powers conferred by section 30(2) of the Fisheries Act 1981 and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The purpose of the Order is to update provisions relating to the implementation and enforcement in Scotland of obligations under Council Regulation (EC) No 1224/2009 (the Control Regulation) and Commission Implementing Regulation (EU) No 404/2011 (the Implementing Regulation) and to ensure consistency with the rest of the UK.

3. The Order includes a number of provisions which bring Scottish technical control measures into line with the terminology used in the Control Regulation and the Implementing Regulation. Amendments are also made to specified instruments, other instruments are revoked and savings provision is made.

4. The agreed policy position of UK Fisheries Administrations is that it is necessary to fully reflect the provisions of the EU Fisheries Control and Implementation Regulations in national law. The Sea Fishing (EU Control Measures) (Scotland) Regulations 2015 ensures that Scottish legislation is consistent with both EU and UK Fisheries statutory measures.

Consultation

5. Officials and Ministers from the other UK Fisheries Administrations (Department of Environment, Food and Rural Affairs, Marine Management Organisation, Welsh Assembly Government and Department of Agriculture and Rural Development Northern Ireland and their predecessor departments) were all involved in the negotiation of the EU Fisheries Control Regulation and its provisions.

6. Amendments and revocations to the specific areas of legislation detailed in the new Regulations have been discussed and co-ordinated across the UK Departments and their respective legal services during the course of 2014/15.

7. Given that fishermen, those trading in the first sale of fish, and other individuals which might be affected by the Order have already required to comply with the requirements of the Control Regulation and the Implementing Regulation for some time, and that this Order simply contains technical provisions which supplement the EU Regulations on specific matters, it was not considered necessary to run a public consultation in Scotland.

Financial effects

8. There are no financial implications associated with bringing this Order into place. The Order will not give rise to further costs to the Scottish Government, as any low level administrative costs will be contained within Marine Scotland's current enforcement budget.

Impact Assessments

9. A copy of the Business and Regulatory Impact Assessment is attached.

Marine Scotland

Scottish Government

31 August 2015