
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 24

**The Fisheries (EU Exit) (Scotland)
(Amendment) Regulations 2019**

PART 2

Amendments to Out of Date References in Subordinate Legislation

The Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Regulations 1992

2.—(1) The Salmon (Definition of Methods of Net Fishing and Construction of Nets) (Scotland) Regulations 1992⁽¹⁾ are amended as follows.

- (2) In regulation 4, for the definition of “the Commission Regulation” substitute—
““the Commission Regulation” means [Commission Regulation \(EC\) No 517/2008](#) laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets⁽²⁾”.
- (3) In regulation 7, omit paragraph (2).

The Tweed Regulation Order 2007

3.—(1) The Tweed Regulation Order 2007⁽³⁾ is amended as follows.

(2) In article 9(3), for “articles 3 and 4 of [Commission Regulation \(EC\) No. 129/2003](#) laying down detailed rules for determining the mesh size and thickness of twine of fishing nets” substitute “[Commission Regulation \(EC\) No 517/2008](#) laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets⁽⁴⁾”.

The Sea Fishing (EU Recording and Reporting Requirements) (Scotland) Order 2010

4.—(1) The Sea Fishing (EU Recording and Reporting Requirements) (Scotland) Order 2010⁽⁵⁾ is amended as follows.

- (2) In article 2—
- (a) in paragraph (1)—
- (i) in the definition of “EU (third country) recording and reporting requirement” for “Regulation 1006/2008 or Regulation 201/2010” substitute “Regulation 2017/2403 or the Control Regulation”,
- (ii) omit the definition of “Regulation 1006/2008”,

(1) [S.S.I. 1992/1974](#).

(2) [OJ L 151, 11.6.2008, p.5](#).

(3) [S.S.I. 2007/19](#).

(4) [OJ L 151, 11.6.2008, p.5](#).

(5) [S.S.I. 2010/334](#), as amended by [S.S.I. 2011/59](#) and [S.S.I. 2015/320](#).

- (iii) omit the definition of “Regulation 201/2010”,
- (iv) in the definition of “Regulation 404/2011” at the end, insert “, as last amended by Commission Implementing Regulation (EU) 2015/1962(6),”,
- (v) after the definition of “Regulation 404/2011” insert—
 - ““Regulation 2017/2403” means Council Regulation (EU) 2017/2403 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008(7),”,
- (vi) after the definition of “Scottish fishing boat” insert—
 - ““third country” means any country other than a Member State,”,
- (vii) for the definition of “third country fishing boat” substitute—
 - ““third country fishing boat” means a fishing vessel as defined in Article 4 of the Control Regulation, which flies the flag of, or is registered in, a third country”,
- (b) in paragraph (5), for “Regulations 1006/2008, 201/2010 and 404/2011,” substitute “Regulations 2017/2403 and 404/2011,”.
- (3) In article 6(2), for ““control measures” in Article 22 of Regulation 1006/2008” substitute ““the rules governing the fishing operations of Union vessels” in Article 32(2) of Regulation 2017/2403”.
- (4) In the table in schedule 1—
 - (a) in column 1—
 - (i) in entry 1(a), omit “and Article 13(1) of Regulation 1006/2008”,
 - (ii) in entry 2, for “Regulation 1077/2008” substitute “Regulation 404/2011”.
- (5) In the table in schedule 2—
 - (a) in entry 1, in column 1, for “Regulation 1006/2008” substitute “Regulation 2017/2403”,
 - (b) in entry 1(a), in column 1, for “Article 22” substitute “Article 32(2)”,
 - (c) in entry 1(b), in column 1, for “Article 23(1)” substitute “Article 38(1) and (2)”,
 - (d) in entry 2—
 - (i) for “Regulation 201/2010” substitute “Regulation 1224/2009”,
 - (ii) in paragraph (a), for “Article 8 and Annex II” substitute “Article 14(8)”,
 - (e) omit column 2,
 - (f) in column 3, for the subject matter for entry 1(a), substitute—
 - “In relation to third country fishing boats authorised to engage in fishing activities in EU waters—
 - Requirement to comply with the rules governing the fishing operations of Union vessels in the fishing area in which the third country fishing boat operates.”,
 - (g) in column 3, for the subject matter for entry 1(b), substitute—
 - “In relation to third country fishing boats undertaking fishing activities in EU waters—
 - Requirement to comply with the control rules governing the fishing operations of Union vessels in the fishing area in which the third country fishing boat operates.

(6) OJ L 287, 31.10.2015, p.6.

(7) OJ L 347, 28.12.2017, p.81.

Requirement to provide to the European Commission and, where relevant, to the coastal Member State, the data which Union vessels are required to send to the flag Member State under the Control Regulation.”.

The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012

5.—(1) The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012⁽⁸⁾ is amended as follows.

(2) In article 2—

- (a) in the definition of “Common Fisheries Policy Regulation” at the end insert “, as last amended by Council Regulation (EU) 2017/2092”,
- (b) after the definition of “Scottish fishing boat” insert—
““third country” means any country other than a Member State,”,
- (c) for the definition of “third country fishing boat” substitute—
““third country fishing boat” means a fishing vessel, as defined by Article 4 of Regulation (EU) No 1224/2009 of the European Parliament and of the Council, which flies the flag of, or is registered in, a third country,”.

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

6.—(1) The Sea Fishing (EU Control Measures) (Scotland) Order 2015⁽⁹⁾ is amended as follows.

(2) In article 2(1)—

- (a) for the definition of “EU (third country) control measure” substitute—
““EU (third country) control measure” means a provision of Regulation 2017/2403 or the Control Regulation, relating to third country fishing boats, as read with any qualifying or supplementary provision in an EU instrument, and in particular—
 - (a) Articles 32 to 34 of Regulation 2017/2043, as read with Article 38 of that Regulation,
 - (b) Article 9(6) of the Control Regulation,
 - (c) Article 14(8) of the Control Regulation,
 - (d) Article 50(4) and (5) of the Control Regulation,”,
- (b) for the definition of “Regulation 1006/2008”, substitute—
““Regulation 2017/2403” means Council Regulation (EU) No 2017/2403 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008,”,
- (c) omit the definition of “Regulation 201/2010”,
- (d) after the definition of “Scottish fishing boat” insert—
““third country” means any country other than a Member State,”,
- (e) for the definition of “third country fishing boat” substitute—
““third country fishing boat” means a fishing vessel as defined in Article 4 of the Control Regulation, which flies the flag of, or is registered in, a third country.”.

⁽⁸⁾ S.S.I. 2012/63, as amended by S.S.I. 2015/320.

⁽⁹⁾ S.S.I. 2015/320.

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