
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 24

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

PART 4

Other amendments to subordinate legislation

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

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

(2) In article 2—

(a) in paragraph (1)—

(i) omit the definition of “Common Fisheries Policy Regulation”,

(ii) in the definition of “equivalent provision”—

(aa) for “EU recording” substitute “recording”,

(bb) for “EU (third country)” substitute “third country”,

(iii) omit the definition of “EU fishing boat”,

(iv) omit the definition of “EU recording and reporting requirement”,

(v) omit the definition of “EU (third country) recording and reporting requirement”,

(vi) in the definition of “logbook”, for “Articles 14, 15 and 16” substitute “Articles 14 and 15”,

(vii) after the definition of “logbook” insert—

““recording and reporting requirement” means a provision of the Control Regulation or Regulation 404/2011 specified in column 1 of schedule 1, as read with any qualifying words relating to the provision in that column and any detailed rules specified in the corresponding entry in column 2 of schedule 1,”,

(viii) in the definition of “third country”⁽²⁾ for “a Member State” substitute “the United Kingdom”,

(ix) after the definition of “third country fishing boat” insert—

““third country recording and reporting requirement” means—

(i) a provision of the Control Regulation or Regulation 404/2011 specified in entries 1(aa) to (e) or 2(a) to (e) of column 1 of schedule 1, as read with any qualifying words relating to the provisions in that column and any detailed rules specified in the corresponding entry in column 2 of schedule 1, or

(1) S.S.I. 2010/334, as amended by S.S.I. 2011/59 and S.S.I. 2015/320.

(2) That definition will be inserted by regulation 4(2)(a)(vi) of S.S.I. 2019/24.

- (ii) a provision of Regulation 2017/2403 specified in entries 1(a) or (b) or 2(a) of column 1 of schedule 2,”
 - (b) omit paragraph (3).
- (3) In article 3—
 - (a) in paragraph (1)—
 - (i) for “EU recording” substitute “recording”,
 - (ii) for “EU (third country)” substitute “third country”,
 - (b) in paragraph (2)—
 - (i) for “EU recording” substitute “recording”,
 - (ii) for “EU (third country)” substitute “third country”.
- (4) In article 5—
 - (a) In the heading, for “EU recording” substitute “Recording”,
 - (b) for paragraph (1) substitute—
 - “(1) Where there is, in respect of—
 - (a) any Scottish fishing boat wherever it may be; or
 - (b) any fishery product, premises or vehicle in Scotland,
 a contravention of any recording and reporting requirement, the persons specified in the corresponding entry in column 4 of schedule 1 are each guilty of an offence.”
 - (c) in paragraph (2), for “EU recording” substitute “recording”,
 - (d) in paragraph (3)—
 - (i) for “€200,000” substitute “£175,000”,
 - (ii) omit “and based on the European Central Bank’s official average euro foreign exchange reference rate applicable for that calendar year”.
- (5) For article 6 substitute—

“6. Third country recording and reporting requirements

- (1) Where there is, in respect of—
 - (a) any third country fishing boat within the Scottish zone; or
 - (b) the entry into the Scottish zone by any third country fishing boat,
 a contravention of any third country recording and reporting requirement, the persons specified in the corresponding entry in column 4 of schedule 2 are each guilty of an offence.
- (2) For the purposes of this article, the reference to “the rules governing the fishing operations of Union vessels” in Article 32(2) of Regulation 2017/2403 is to be construed as a reference to the recording and reporting requirements specified in entries 1(aa) to (e) and 2(a) to (e) in schedule 1 of this Order.
- (3) A person is guilty of an offence if that person, in purported compliance with a third country recording and reporting requirement, knowingly or recklessly records or reports information which is false in a material particular where that information is recorded or reported in Scotland or in the Scottish zone.”
- (6) In schedule 1—
 - (a) in the heading for “**EU RECORDING**” substitute “**RECORDING**”,
 - (b) in the table in schedule 1—

- (i) omit column 3,
 - (ii) omit entry 1(c),
 - (iii) in column 1, in entry 1(d), omit “subject to Article 22(2)”,
 - (iv) in column 1, in entry 1(e), omit “subject to Article 24(2)”,
 - (v) omit entries 2(d) and (e).
- (7) In schedule 2—
- (a) in the heading—
 - (i) for “EU (THIRD COUNTRY)” substitute “THIRD COUNTRY”,
 - (b) in the table in schedule 2—
 - (i) omit column 3.

The Sea Fishing (Licences and Notices) (Scotland) Regulations 2011

9.—(1) The Sea Fishing (Licences and Notices) (Scotland) Regulations 2011(3) are amended as follows.

(2) In regulation 2, in the definition of “nominee”, for “a member State” substitute “the United Kingdom”.

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

10.—(1) The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012(4) is amended as follows.

- (2) In article 2—
- (a) omit the definition of “Common Fisheries Policy Regulation”,
 - (b) omit the definition of “EU fishing boat”,
 - (c) in the definition of “third country”(5) for “a Member State” substitute “the United Kingdom”,
- (3) In article 3—
- (a) in paragraph (2)(c)—
 - (i) for “an EU fishing boat or” substitute “a”,
 - (ii) omit “within the meaning of Article 19(1)(a) of the Common Fisheries Policy Regulation”.

The Sea Fishing (Illegal, Unreported and Unregulated Fishing) (Scotland) Order 2013

11.—(1) The Sea Fishing (Illegal, Unreported and Unregulated Fishing) (Scotland) Order 2013(6) is amended as follows.

- (2) In article 2—
- (a) omit the definition of “EU fishing boat”,
 - (b) in the definition of “third country fishing boat”, for “an EU” substitute “a United Kingdom”,

(3) [S.S.I. 2011/70](#).

(4) [S.S.I. 2012/63](#), as amended by [S.S.I. 2015/320](#).

(5) That definition will be inserted by regulation 5(2)(b) of [S.S.I. 2019/24](#).

(6) [S.S.I. 2013/189](#), as amended by [S.S.I. 2015/320](#).

- (c) after the definition of “third country fishing boat” insert—
- ““United Kingdom fishing boat” means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(7);”.
- (3) In article 9—
- (a) in paragraph (4A), for “Council” substitute “Secretary of State”,
- (b) in paragraph (5), for “Articles 42(1) and 44(1)” substitute “Article 42(1)”,
- (c) in paragraph (6)—
- (i) in sub-paragraph (b), for “Community” substitute “United Kingdom”,
- (ii) in sub-paragraph (c), omit “referred to in Article 30 of the Council Regulation”,
- (d) in paragraph (7)—
- (i) for “an EU” substitute “a United Kingdom”,
- (ii) for “Community” substitute “United Kingdom”,
- (e) in paragraph (8), for “Community” substitute “United Kingdom”,
- (f) in paragraph (10A), for “fishing boat flying the flag of a member State” substitute “United Kingdom fishing boat”,
- (g) in paragraph (11), for “an EU” substitute “a United Kingdom”.

The Sea Fishing (Points for Masters of Fishing Boats) (Scotland) Regulations 2014

12.—(1) The Sea Fishing (Points for Masters of Fishing Boats) (Scotland) Regulations 2014(8) are amended as follows.

- (2) In regulation 2—
- (a) in the definition of “administrative sanction”, for “another member State or” substitute “a”,
- (b) in the definition of “third country”, for “which is not a member State” substitute “other than the United Kingdom”.
- (3) In regulation 3—
- (a) in paragraph (b), omit “another member State or in”,
- (b) in paragraph (c), omit “another member State or”.
- (4) In regulation 8—
- (a) in the heading, omit “other member States and in”,
- (b) in paragraph (1), omit “another member State or in”,
- (c) in paragraph (3), omit “another member State or”.
- (5) In regulation 9(2)(a)—
- (a) for “Article 74 of the Control Regulation” substitute “carrying out inspections”,
- (b) omit sub-paragraph (ii).

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

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

- (2) In article 2(1)—

(7) 1995 c.21.
(8) S.S.I. 2014/379.
(9) S.S.I. 2015/320.

- (a) after the definition of “British sea-fishery officer”, insert—
 - ““control measure” means a requirement contained in a provision of the Control Regulation or Implementing Regulation, as read with any qualifying or supplementary provision in retained EU law (within the meaning of section 6(7) of the European Union (Withdrawal) Act 2018);”,
 - (b) in the definition of “equivalent provision”—
 - (i) for “EU control” substitute “control”,
 - (ii) for “EU (third country)” substitute “third country”,
 - (c) omit the definition of “EU control measure”,
 - (d) omit the definition of “EU instrument”,
 - (e) omit the definition of “EU recording and reporting requirement”,
 - (f) omit the definition of “EU (third country) control measure”,
 - (g) after the definition of “PLN number” insert—
 - ““recording and reporting requirement” means any requirement under the Control Regulation or the Implementing Regulation to record, keep, notify, submit, transmit or communicate any information or document;”,
 - (h) in the definition of “third country”(10) for “a Member State” substitute “the United Kingdom”,
 - (i) after the definition of “third country”, insert—
 - ““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 retained EU law (within the meaning of section 6(7) of the European Union (Withdrawal) Act 2018), 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;”,
- (3) In article 3(a), omit “for Union and”.

The European Maritime and Fisheries Fund (Grants) (Scotland) Regulations 2015

14.—(1) The European Maritime and Fisheries Fund (Grants) (Scotland) Regulations 2015(11) are amended as follows.

- (2) In regulation 2(1)—
 - (a) before the definition of “application” insert—
 - ““aid” means aid towards eligible expenditure under the EMFF Regulation and payable in accordance with the EU Regulations;”,
 - (b) omit the definition of “EMFF Implementing Regulation”,
 - (c) omit the definition of “EU aid”,
 - (d) in the definition of “EU Regulations”, omit sub-paragraph (d),
 - (e) in the definition of “relevant operation”, for “EU aid” substitute “aid”.

(10) That definition will be inserted by regulation 6(2)(d) of [S.S.I. 2019/24](#).

(11) [S.S.I. 2015/359](#).

- (3) In regulation 12—
 - (a) in paragraph (1)(f), for “, pursuant to Article 72 of the Common Provisions Regulation, whether EU aid” substitute “whether aid”,
 - (b) in paragraph (6)(d), omit “or which the Scottish Ministers may require to make available to the Commission, pursuant to Article 122 of the EMFF Regulation”.
- (4) In regulation 14(1), omit sub-paragraph (h).