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SCHEDULES

SCHEDULE 2

REGULATION OF FOREIGN FISHING BOATS

PART 1

ENGLAND AND WALES

Scallops (Irish Sea) (Prohibition of Fishing) Order 1984

- 1 (1) The Scallops (Irish Sea) (Prohibition of Fishing) Order 1984 (S.I. 1984/1523) is amended as follows.
- (2) In article 2 (prohibition), after “British-owned fishing boat” insert “or foreign fishing boat”.

Undersized Velvet Crabs Order 1989

- 2 (1) The Undersized Velvet Crabs Order 1989 (S.I. 1989/919) is amended as follows.
- (2) In article 1 (title, commencement and interpretation), in paragraph (2), at the end insert—
- ““the English zone” means the sea within British fishery limits other than—
- (a) the Scottish zone,
 - (b) the Northern Ireland zone, and
 - (c) the Welsh zone;
- “the Northern Ireland zone” has the same meaning as in the Northern Ireland Act 1998;
- “the Welsh zone” has the same meaning as in the Government of Wales Act 2006.”
- (3) In article 2 (prescribed minimum size for landing velvet crabs), in paragraph (2), after “foreign fishing boats” insert “of sea fish caught in waters lying outside British fishery limits”.
- (4) In article 3 (prescribed minimum size for sale etc of velvet crabs), in paragraph (2), after “foreign fishing boats” insert “and were caught in waters lying outside British fishery limits”.
- (5) In article 4 (prescribed minimum size for carriage of velvet crabs on a British fishing boat)—
- (a) in the heading, omit “on a British fishing boat”;
 - (b) the existing text becomes paragraph (1);

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- (c) in that paragraph, for “British fishing boat” substitute “ relevant British vessel ”;
- (d) after that paragraph insert—
 - “(2) Paragraph (1) does not apply in relation to the Welsh zone.
 - (3) A Northern Ireland fishing boat is prohibited from carrying in the English zone velvet crab that are below the minimum size mentioned in sub-paragraph (1).
 - (4) A foreign vessel is prohibited from carrying in the English zone velvet crab that were caught in waters lying within British fishery limits and are below the minimum size mentioned in sub-paragraph (1).
 - (5) So far as it extends to Northern Ireland, this Article applies as if—
 - (a) references to a “relevant British vessel” were to a relevant British fishing boat;
 - (b) references to a “foreign vessel” were to a foreign fishing boat;
 - (c) references to a “Northern Ireland fishing boat” were to a Scottish fishing boat;
 - (d) references to “the English zone” were to the English zone or the Northern Ireland zone.
 - (6) Expressions used in this Article and in section 1 of the Act have the same meaning in this Article as they have in that section.”
- (6) In article 5 (powers of British sea-fishery officers in relation to fishing boats)—
 - (a) in paragraph (1), omit “in relation to any British fishing boat anywhere”;
 - (b) in that paragraph, at the end, insert “—
 - (a) in relation to a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
 - (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”;
 - (c) in paragraph (4), in the opening words, after “within” insert “ relevant ”.

Sea Fish (Specified Sea Area) (Regulation of Nets and Prohibition of Fishing Methods) Order 1989

- 3 (1) The Sea Fish (Specified Sea Area) (Regulation of Nets and Prohibition of Fishing Methods) Order 1989 (S.I. 1989/1284) is amended as follows.
- (2) In article 1(2) (interpretation), omit the definition of “British fishing boat”.
- (3) In article 2 (prohibition), in paragraph (1)(a) and (b), omit “British”.
- (4) In article 4 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)—
 - (a) omit “in relation to any British fishing boat anywhere”;
 - (b) at the end insert “—

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- (a) in relation to a British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
- (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within British fishery limits.”

Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000

- 4 (1) The Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 (S.I. 2000/874) is amended as follows.
- (2) In article 3 (fishing prohibition)—
- (a) in paragraph (2)(b), omit “relevant British”;
 - (b) omit paragraph (3).
- (3) In article 4 (landing prohibition)—
- (a) in paragraph (1) omit “wherever caught”;
 - (b) in paragraph (2), after “applies” insert “ (wherever caught) ”;
 - (c) after paragraph (2) insert—
- “(3) The landing in England or Northern Ireland from a foreign fishing boat of any sea fish to which this article applies that were caught in waters lying within British fishery limits is prohibited.”
- (4) In article 4A (berried lobsters and crawfish), in paragraph (1), for sub-paragraphs (a) and (b) substitute “ any fishing boat ”.
- (5) In article 5 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), for sub-paragraphs (a) and (b) substitute—
- “(a) a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
 - (b) any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

Undersized Edible Crabs Order 2000

- 5 (1) The Undersized Edible Crabs Order 2000 (S.I. 2000/2029) is amended as follows.
- (2) In article 3 (prescribed minimum size for edible crabs landed in certain areas), omit paragraph (2).
- (3) In article 4 (prohibition on landing edible crabs caught in certain areas)—
- (a) in paragraph (1), for “paragraphs (2) and” substitute “ paragraph ”;
 - (b) omit paragraph (2).
- (4) In article 5 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), for sub-paragraphs (a) and (b) substitute—
- “(a) in relation to a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
 - (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

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Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001

- 6 (1) The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001 (S.I. 2001/649) is amended as follows.
- (2) In article 3 (application and exemptions), after paragraph (1) insert—
- “(1A) Subject to paragraph (3), article 4 applies to any net carried in, or used by, any foreign fishing boat in waters that are—
- (a) within the area mentioned in paragraph (1), and
- (b) within relevant British fishery limits.
- In the law of Northern Ireland, the reference in this paragraph to article 4 includes a reference to article 6.”
- (3) In article 7 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), for sub-paragraphs (a) and (b) substitute—
- “(a) a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be;
- (b) any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

Prohibition of Fishing with Multiple Trawls Order 2001

- 7 (1) The Prohibition of Fishing with Multiple Trawls Order 2001 (S.I. 2001/650) is amended as follows.
- (2) In article 3 (prohibition of method of fishing), in paragraph (1)(b), after “Scottish fishing boat” insert “, or foreign fishing boat,”.
- (3) In article 4 (power of British sea-fishery officers in relation to fishing boats), in paragraph (1)(b), after “Scottish fishing boat” insert “, or foreign fishing boat,”.

Shrimp Fishing Nets Order 2002

- 8 (1) The Shrimp Fishing Nets Order 2002 (S.I. 2002/2870) is amended as follows.
- (2) In article 1, omit paragraph (2) (application).
- (3) In article 2 (interpretation)—
- (a) omit the definition of “British fishing boat”;
- (b) at the appropriate place insert—
- ““regulated fishing boat” means—
- (a) a fishing boat which is registered in the United Kingdom or is British-owned, or
- (b) a foreign fishing boat;”.
- (4) In article 3 (prohibition on fishing for shrimps without a separator trawl or sorting grid)—
- (a) in paragraph (1), for “British fishing boat” substitute “ regulated fishing boat”;
- (b) after paragraph (2) insert—
- “(3) The prohibition in this article does not apply to—

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- (a) a fishing boat in the territorial sea adjacent to Wales,
 - (b) a Scottish fishing boat either in the Scottish zone or outside British fishery limits,
 - (c) a Northern Ireland fishing boat either in the Northern Ireland zone or outside British fishery limits, or
 - (d) a foreign fishing boat outside British fishery limits.”
- (5) In article 4 (powers of British sea-fishery officers), in paragraph (1), for “in relation to any British fishing boat to which this Order applies” substitute “—
- (a) in relation to a regulated fishing boat that is not a Scottish fishing boat or a foreign fishing boat, wherever it may be; and
 - (b) in relation to any other regulated fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

Shellfish (Specified Sea Area) (Prohibition of Fishing Methods) (Wales) Order 2003

- 9 (1) The Shellfish (Specified Sea Area) (Prohibition of Fishing Methods) (Wales) Order 2003 (S.I. 2003/607 (W.81)) is amended as follows.
- (2) In article 4 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)—
- (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
 - (b) in the Welsh language text, for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.

Prohibition of Fishing with Multiple Trawls Order 2003

- 10 (1) The Prohibition of Fishing with Multiple Trawls Order 2003 (S.I. 2003/1559) is amended as follows.
- (2) In article 3 (prohibition of method of fishing), in paragraph (1)(b), for “Scottish fishing boat or Northern Ireland fishing boat” substitute “ other fishing boat ”.
- (3) In article 4 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), for sub-paragraphs (a) and (b) substitute—
- “(a) a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
 - (b) any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

Prohibition of Fishing with Multiple Trawls (Wales) Order 2003

- 11 (1) The Prohibition of Fishing with Multiple Trawls (Wales) Order 2003 (S.I. 2003/1855 (W.205)) is amended as follows.
- (2) In article 3 (prohibition of method of fishing), in paragraph (1)—
- (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
 - (b) in the Welsh language text, for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.

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- (3) In article 4 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)—
- (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
 - (b) in the Welsh language text, for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.

South-west Territorial Waters (Prohibition of Pair Trawling) Order 2004

- 12 (1) The South-west Territorial Waters (Prohibition of Pair Trawling) Order 2004 (S.I. 2004/3397) is amended as follows.
- (2) In article 3 (prohibition on pair trawling), in paragraph (1), omit “British”.
- (3) In article 4 (prohibition on carrying towed gear), in paragraph (1), omit “British”.
- (4) In article 5 (powers of British sea-fishery officers), in paragraph (1), for subparagraphs (a) and (b) substitute—
- “(a) a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
 - (b) any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

Tope (Prohibition of Fishing) Order 2008

- 13 (1) The Tope (Prohibition of Fishing) Order 2008 (S.I. 2008/691) is amended as follows.
- (2) In article 2 (application), omit paragraph (2).
- (3) In article 6 (powers of British sea-fishery officers), in paragraph (1) at the end insert —
- “(a) in relation to a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
 - (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

Shrimp Fishing Nets (Wales) Order 2008

- 14 (1) The Shrimp Fishing Nets (Wales) Order 2008 (S.I. 2008/1811 (W.175)) is amended as follows.
- (2) In article 2 (interpretation), in paragraph (1)—
- (a) in the English language text, omit the definition of “British fishing boat”;
 - (b) in the Welsh language text, omit the definition of “cwch pysgota Prydeinig”.
- (3) In article 3 (prohibition on fishing for shrimps without a separator trawl or sorting grid), in paragraph (1)—
- (a) in the English language text, for “British fishing boats” substitute “ Fishing boats ”;
 - (b) in the Welsh language text, for “cychod pysgota Prydeinig” substitute “ cychod pysgota ”.
- (4) In article 4 (powers of British sea-fishery officers), in paragraph (1)—

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- (a) in the English language text, for “in relation to any British fishing boat to which this Order applies” substitute—
 - “(a) in relation to a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
 - (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”;
- (b) in the Welsh language text, for “mewn perthynas ag unrhyw gwch pysgota Prydeinig y mae'r Gorchymyn hwn yn gymwys iddo” substitute—
 - “(a) mewn perthynas â chwch pysgota Prydeinig perthnasol sydd wedi ei gofrestru yn y Deyrnas Unedig neu sydd mewn perchnogaeth Brydeinig, ble bynnag y bo; a
 - (b) mewn perthynas ag unrhyw gwch pysgota arall, mewn unrhyw ddyfroedd sy'n gyfagos i'r Deyrnas Unedig ac o fewn terfynau pysgodfeydd Prydain perthnasol.”

Tope (Prohibition of Fishing) (Wales) Order 2008

- 15 (1) The Tope (Prohibition of Fishing) (Wales) Order 2008 (S.I. 2008/1438 (W.150)) is amended as follows.
- (2) In article 1 (title, commencement and application) in the English language text and in the Welsh language text, omit paragraph (3).
- (3) In article 6 (powers of British sea-fishery officers), in paragraph (1) at the end—
- (a) in the English language text, insert—
 - “(a) in relation to a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
 - (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”;
 - (b) in the Welsh language text, insert—
 - “(a) mewn perthynas â chwch pysgota Prydeinig perthnasol sydd wedi ei gofrestru yn y Deyrnas Unedig neu sydd mewn perchnogaeth Brydeinig, ble bynnag y bo; a
 - (b) mewn perthynas ag unrhyw gwch pysgota arall, mewn unrhyw ddyfroedd sy'n gyfagos i'r Deyrnas Unedig ac o fewn terfynau pysgodfeydd Prydain perthnasol.”

Scallop Fishing (Wales) (No 2) Order 2010

- 16 (1) The Scallop Fishing (Wales) (No 2) Order 2010 (S.I. 2010/269 (W.33)) is amended as follows.
- (2) In article 2 (interpretation)—
- (a) in the English language text, omit the definition of “British fishing boat”;
 - (b) in the Welsh language text, omit the definition of “chwch pysgota Prydeinig”.
- (3) In each of the provisions specified in sub-paragraph (4)—

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- (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
- (b) in the Welsh language text, for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.

(4) The provisions are—

- (a) article 3 (fishing restrictions);
- (b) articles 5 and 6 (restrictions on number and use of scallop dredges);
- (c) articles 8(1), (2) and (3) and 9 (restriction on size of tow bars);
- (d) article 10(1) (specification of scallop dredges);
- (e) article 11(1) (minimum size of scallop).

(5) In article 12 (prohibition on dredging)—

- (a) in the English language text, for “British fishing boats” substitute “ fishing boats ”;
- (b) in the Welsh language text, for “gychod pysgota Prydeinig” substitute “ gychod pysgota ”.

Cockles and Mussels (Specified Area) (Wales) Order 2011

17 (1) The Cockles and Mussels (Specified Area) (Wales) Order 2011 (S.I. 2011/1988 (W.219)) is amended as follows.

(2) In article 2 (interpretation)—

- (a) in the English language text, omit the definition of “British fishing boat”;
- (b) in the Welsh language text, omit the definition of “cwch pysgota Prydeinig”.

(3) In article 3(2)(b)—

- (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
- (b) in the Welsh language text, for “cwch pysgota Prydeinig” substitute “ cwch pysgota ”.

Scallop Fishing (England) Order 2012

18 (1) The Scallop Fishing (England) Order 2012 (S.I. 2012/2283) is amended as follows.

(2) In article 2(1) (interpretation), omit the definition of “British fishing boat”.

(3) In the following provisions, for “British fishing boat” substitute “ fishing boat ”

- (a) article 3(1) (specification of scallop dredges);
- (b) article 4 (restrictions on number of scallop dredges);
- (c) article 5(1) (carriage of undersized scallops).

Scallop Dredging Operations (Tracking Devices) (Wales) Order 2012

19 (1) The Scallop Dredging Operations (Tracking Devices) (Wales) Order 2012 (S.I. 2012/2729 (W.292)) is amended as follows.

(2) In article 2 (interpretation)—

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- (a) in the English language text, in the definition of “person in charge” (“*person sydd â gofal*”) (in both places), for “British fishing boat” substitute “fishing boat”;
 - (b) in the Welsh language text, in the definition of “person sydd â gofal” (“*person in charge*”)—
 - (i) for “chwch pysgota Prydeinig” substitute “chwch pysgota”;
 - (ii) for “cwch pysgota Prydeinig” substitute “cwch pysgota”.
- (3) In each of the provisions specified in sub-paragraph (4)—
- (a) in the English language text, for “British fishing boat” substitute “fishing boat”;
 - (b) in the Welsh language text—
 - (i) for “gwch pysgota Prydeinig” substitute “gwch pysgota”;
 - (ii) for “cwch pysgota Prydeinig” substitute “cwch pysgota”.
- (4) The provisions are—
- (a) article 3 (regulation of scallop dredging operations);
 - (b) article 4 (exception);
 - (c) article 5(a) (required information);
 - (d) article 6(1), (2) and (3) (failure of a tracking device);
 - (e) article 7(1) and (4) (enforcement).

Specified Crustaceans (Prohibition on Fishing, Landing, Sale and Carriage) (Wales) Order 2015

- 20 (1) The Specified Crustaceans (Prohibition on Fishing, Landing, Sale and Carriage) (Wales) Order 2015 (S.I. 2015/2076 (W.312)) is amended as follows.
- (2) In article 2 (interpretation)—
- (a) in the English language text, omit the definitions of “British fishing boat” and “foreign vessel”;
 - (b) in the Welsh language text, omit the definitions of “chwch pysgota Prydeinig” and “llong dramor”.
- (3) In article 3 (fishing prohibition for specified crawfish, lobster, and crab), in the English language text and in the Welsh language text, omit paragraph (2).
- (4) In article 4 (prohibitions on landing of specified crawfish, lobster and crab), in the English language text and in the Welsh language text, omit paragraphs (2) and (4).
- (5) In article 5 (prohibitions on sale, exposure or offer for sale or possession of specified crawfish, lobster and crab), in the English language text and in the Welsh language text, omit paragraphs (2) and (4).
- (6) In article 6 (prohibition on carriage of specified crawfish, lobster and crab)—
- (a) in the English language text—
 - (i) in the heading, omit “on a British fishing boat”;
 - (ii) in paragraphs (1) and (2), for “British fishing boat” substitute “fishing boat”;
 - (b) in the Welsh language text—
 - (i) in the heading, omit “ar gwch pysgota Prydeinig”;

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- (ii) in paragraph (1), for “cwch pysgota Prydeinig” substitute “ cwch pysgota ”;
- (iii) in paragraph (2), for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.

Whelk Fishing (Wales) Order 2019

- 21 (1) The Whelk Fishing (Wales) Order 2019 (S.I. 2019/1042 (W.184)) is amended as follows.
- (2) In article 2 (interpretation)—
 - (a) in the English language text, omit the definition of “British fishing boat”;
 - (b) in the Welsh language text, omit the definition of “cwch pysgota Prydeinig”.
 - (3) In article 3 (fishing prohibition for specified whelk)—
 - (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
 - (b) in the Welsh language text, for “cychod pysgota Prydeinig” substitute “ cychod pysgota ”.
 - (4) In article 5 (prohibition on carriage of specified whelk)—
 - (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
 - (b) in the Welsh language text, for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.

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