
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Sea Fishing (Days in Port) Regulations 1992 (“the principal Regulations”) which make provision for the enforcement throughout the United Kingdom of Article 13(1) of Council Regulation (EEC) No. 3882/91 (“the Council Regulation”) fixing for certain fish stocks and groups of fish stocks the total allowable catches for 1992 and certain conditions under which they may be fished.

The present Regulations amend the principal Regulations by substituting new regulations 4 and 4A (management of days in port). Provision is made for fishing vessels to be exempted from the requirement in the principal Regulations to remain in port for 135 days during the period from 1st February to 31st December 1992. Exemption from the entire 135 days in port requirement may be granted in the case of vessels which carry only longlines or nets with a mesh size of at least 120 mm (regulation 4(4)), and exemption from 68 days of that requirement in the case of vessels which carry only nets with a mesh size of at least 110 mm (regulation 4(5)). Application for exemption must be made before 31st March 1992 (regulation 4(3)), and the vessels concerned must be in a position to carry the appropriate gear from 15th April 1992 (regulation 4(4) and (5)).

Regulation 4(6), (7) and (8) provides for the withdrawal of exemption and the imposition of a different requirement to remain in port calculated by reference to the formula in paragraph (8).

The Regulations also insert two new definitions in the principal Regulations (regulation 3), delete the requirement to give notice of at least 9 hours before the commencement of a variation of a notice of an intended period in port (regulation 5), provide for further offences of not remaining in port (regulation 6), and make some corrections to Schedule 1 thereto consequent upon the publication of a corrigendum to the Council Regulation (regulation 7).

The amendment to regulation 4 of the principal Regulations is consequent upon Commission Decision No. C(92) 405/1 of 24th February 1992 exempting the United Kingdom from the obligation contained in Article 13. Copies of the Decision are available from the Ministry of Agriculture, Fisheries and Food, Nobel House, 17 Smith Square, London SW1P 3JR, the Scottish Office Agriculture and Fisheries Department, Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TW, the Welsh Office Agriculture Department, Cathays Park, Cardiff CF1 3NQ, and the Department of Agriculture for Northern Ireland, Hut 5, Castle Grounds, Stormont, Belfast BT4 3TA.