

2005 No. 2624

SEA FISHERIES, ENGLAND AND WALES

SEA FISHERIES NORTHERN IRELAND

The Sea Fishing (Enforcement of Community Control Measures) (Amendment) Order 2005

<i>Made</i> - - - -	<i>19th September 2005</i>
<i>Laid before Parliament</i>	<i>22nd September 2005</i>
<i>Coming into force</i> - -	<i>21st October 2005</i>

The Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with the sea fishing industry in Northern Ireland in exercise of the powers conferred on them by section 30(2) of the Fisheries Act 1981(a) and now vested in them(b) make the following Order:

Title and commencement

1. This Order may be cited as the Sea Fishing (Enforcement of Community Control Measures) (Amendment) Order 2005 and shall come into force on 21st October 2005.

Amendment of the Sea Fishing (Enforcement of Community Control Measures) Order 2000

2.—(1) The Sea Fishing (Enforcement of Community Control Measures) Order 2000(c) shall be amended in accordance with the following provisions of this article.

(2) In article 2 (interpretation) –

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- (a) 1981 c.29. See section 30(3) for the definitions of “enforceable Community restriction”, “enforceable Community obligation” and “the Ministers”, as modified by Schedule 2, paragraph 68(5) of the Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820)
- (b) Article 3(1) of and Schedule 1 to the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592) provide for the functions exercisable under section 30(2) of the 1981 Act to be exercised by the Ministers, concurrently with Scottish Ministers, in relation to: British fishing boats (other than Scottish ones) within the Scottish zone; and Scottish fishing boats within British fishery limits but outside the Scottish zone. By virtue of article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under section 30(2) of the 1981 Act were transferred to the National Assembly in so far as exercisable in relation to Wales (defined in section 155(1) of the Government of Wales Act 1998 (c.38) as including “the sea adjacent to Wales out as far as the seaward boundary of the territorial sea”); in respect of waters beyond Wales these functions remain exercisable by the Ministers. By virtue of article 2(1) of the Transfer of Functions (Agriculture and Fisheries) Order 2000 (S.I. 2000/1812) any remaining functions of the Secretaries of State for Scotland and Wales under section 30(2) of the 1981 Act were transferred to the Minister of Agriculture, Fisheries and Food. The functions of the Minister of Agriculture, Fisheries and Food and one or more named Secretaries of State (however described) acting jointly were transferred to the Secretary of State for Environment, Food and Rural Affairs and the one or more Secretaries of State acting jointly by virtue of article 2(5) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). The Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002/790) Schedule 2, paragraph 3 provides that the function in section 30(2) of the 1981 Act is to be exercised concurrently by the Department for Agriculture and Rural Development insofar as it relates to sea fishing within the Northern Ireland zone and to Northern Ireland fishing boats outside that zone.
- (c) S.I. 2000/51; as amended relevant to this Order by S.I. 2005/393.

- (a) in paragraph (1) for the definition of “Regulation 2847/93” there shall be substituted the following definition—

“‘Regulation 2847/93’ means Council Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy(a) as amended by Council Regulation (EC) No 2870/95(b), Council Decision (EC) 95/528(c), Council Regulation (EC) 2489/96(d), Council Regulation (EC) 686/97(e), Council Regulation (EC) 2205/97(f), Council Regulation (EC) 2635/97(g), Council Regulation (EC) 2846/98(h) and Council Regulation (EC) 1954/2003(i);”and

- (b) in paragraph (3), sub-paragraph (b) shall be revoked.

- (3) In paragraph 2 (Regulation 2847/93) to the Schedule, there shall be substituted —

- (a) for the third column entry in sub-paragraph (l):

“Prohibition from carrying out of fishing activities in the areas specified in Article 19a of Regulation 2847/93 in relation to Community fishing boats which have not been authorised by Member States in accordance with Article 10 of Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources or Article 2 of Council Regulation (EC) No 779/97 introducing arrangements for the management of fishing effort in the Baltic Sea(j)”;

- (b) for the text in the third column entry in sub-paragraph (m) above paragraph (a):

“Requirement in relation to Community fishing boats exceeding 10 metres in overall length authorised to carry out fishing activities directed at demersal species to complete an effort report containing the information prescribed in Article 19b of Regulation 2847/93 as read with Regulation 1449/98—”;

- (c) for the third column entry in sub-paragraph (n):

“Requirement in relation to Community fishing boats exceeding 10 metres in overall length to record in logbooks the information (as regards time spent at sea) prescribed in Article 19e.1 of Regulation 2847/93 or, in the case of boats conducting trans-zonal fisheries as defined in Article 19b.2 of Regulation 2847/93, prescribed in Article 19e.2 of Regulation 2847/93.”;

- (d) for the third column entry in sub-paragraph (o):

“Requirement on Community fishing boats exceeding 10 metres in overall length authorised to carry out fishing activities directed at demersal species to record in logbooks an effort report containing the information prescribed in Article 19b of Regulation 2847/93.”; and

- (e) for the third column entry in sub-paragraph (r):

“Requirements relating to carriage, use and stowage of gear in Community fishing boats exceeding 10 metres in overall length carrying out fishing activities in areas specified in Article 19a.1 of Regulation 2847/93.”.

(a) OJ No. L261, 20.10.93, p.1.
(b) OJ No. L301, 14.12.95, p.1.
(c) OJ No. L301, 14.12.95, p.35.
(d) OJ No. L338, 28.12.96, p.12.
(e) OJ No. L102, 19.4.97, p1.
(f) OJ No. L304, 7.11.97, p.1.
(g) OJ No. L356, 31.12.97, p.14.
(h) OJ No. L358, 31.12.98, p.5.
(i) OJ No. L289, 7.11.2003, p.1.
(j) OJ No. L113, 30.4.97, p.1.

9th September 2005

Bach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

19th September 2005

Rooker
Minister of State for Northern Ireland
Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends, in relation to England and Northern Ireland, the Sea Fishing (Enforcement of Community Control Measures) Order 2000 (S.I. 2000/51) (“the Principal Order”). The Principal Order makes provision for the enforcement of restrictions and obligations contained in Council Regulation (EEC) No. 1382/87 (OJ No. L132, 21.5.87, p.11) establishing detailed rules for the inspection of fishing vessels, as amended, and those contained in Council Regulation (EEC) 2847/93 establishing a control system applicable to the common fisheries policy (OJ No L261, 20.10.93, p.1). These new Community rules relate to the management of fishing in the western Atlantic by vessels over 10 metres in length and are intended to ensure sustainability of fishing effort.

This Order comes into force on 21st October 2005.

Article 2 of this Order updates the definition of 2847/93 and the corresponding paragraphs of the Schedule to the Principal Order relating to the administration and enforcement by the Principal Order of Council Regulation (EEC) No 2847/93.

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