
STATUTORY INSTRUMENTS

2005 No. 393

The Sea Fishing (Restriction on Days at Sea) Order 2005

PART 3

SOLE

Establishment of management periods

13.—(1) Management periods for an English fishing boat, as referred to in point 6(b) of Annex IVc, shall be determined and notified by the person in charge of the boat, as follows:

- (a) the base unit for determination of management periods shall be one calendar month;
- (b) each management period may be determined in multiples of the base unit from 1 to 11 calendar months; and
- (c) the determination of each management period must be notified to the Secretary of State for Environment, Food and Rural Affairs at the same time as any notification under article 15;

and they are established by that determination and notification unless point 11 of Annex IVc applies to the boat, in which case they are established by confirmation of that determination and notification by the Secretary of State for Environment, Food and Rural Affairs taking that point into account.

(2) The person in charge of a British fishing boat may aggregate the days allocated for each calendar month as set out in point 6 of Annex IVc for being present within the area and absent from port, within management periods.

(3) Where a management period covers the month of February—

- (a) a notification given to the Secretary of State for Environment, Food and Rural Affairs (whether after or in anticipation of the coming into force of this Order) covering a management period including February 2005 and any grouping of gears for the period shall be treated as meeting the requirement of paragraph (1)(c) but with the management period counting as beginning immediately on the date this Order comes into force and ending as notified; and
- (b) the second February stage counts as one month and shall accordingly be treated as a single base unit.

(4) The person in charge of a British fishing boat which, at any time during the Annex IV year, is absent from port in the sole recovery zone carrying regulated gear for which a management period has not been established as provided in paragraph (1), or any equivalent provision, is guilty of an offence.