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STATUTORY INSTRUMENTS

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**2006 No. 1327**

**The Sea Fishing (Restriction on Days at Sea)  
(Monitoring, Inspection and Surveillance) Order 2006**

**PART 1**

*Preliminary*

**Citation and commencement**

**1.**—(1) This Order may be cited as the Sea Fishing (Restriction on Days at Sea) (Monitoring, Inspection and Surveillance) Order 2006.

(2) This Order comes into force on 1st June 2006.

**Extent and application**

**2.**—(1) This Order extends to England and Wales only.

(2) This Order applies—

- (a) in England;
- (b) in relation to English and Welsh fishing boats wherever they are except where they are in the sea adjacent to Wales out as far as the seaward boundary of the territorial sea<sup>(1)</sup>; and
- (c) in relation to other fishing boats within British fishery limits except where they are in—
  - (i) the Scottish zone;
  - (ii) the Northern Ireland zone; or
  - (iii) the sea adjacent to Wales out as far as the seaward boundary of the territorial sea.

(3) In this article—

- (a) “British fishery limits” means the limits set by or under section 1 of the Fishery Limits Act 1976<sup>(2)</sup>;
- (b) “Northern Ireland zone” has the same meaning as in section 98 of the Northern Ireland Act 1998<sup>(3)</sup>;
- (c) “Scottish zone” has the same meaning as in section 126(1) of the Scotland Act 1998<sup>(4)</sup>;

**Interpretation**

**3.**—(1) In this Order—

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(1) As referred to in the Government of Wales Act 1998.  
(2) 1976 c. 76. See also [S.I. 1997/1750](#) and [S.I. 1999/1741](#).  
(3) 1998 c. 47.  
(4) 1999 c. 46.

“2006 regulated period” means the period commencing with the coming into force of this Order and ending with 31st January 2007 and any references to things done during the 2006 regulated period cover things done at any time within it;

“allocation of days” has the meaning given in article 7;

“Cod Annex” and “Sole Annex” mean respectively Annex IIA and Annex IIC to Council Regulation (EC) No 51/2006 fixing for 2006 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required<sup>(5)</sup>;

“Cod Recovery Zone” means the geographical area set out in point 2 of the Cod Annex and reference to an area within the Cod Recovery Zone is a reference to one of the areas listed in that point;

“equivalent provision” means any provision, in any other Order made for the purposes of implementing the Cod Annex or the Sole Annex, in relation to any part of the United Kingdom, which has equivalent effect to a provision in this Order, proceedings in respect of which may be taken in England by virtue of section 30(2A) of the Fisheries Act 1981<sup>(6)</sup>;

“the first third 2006” means the period 1st February 2006 to 31st May 2006;

“logbook” means the same as in Article 6 of Regulation 2847/93 read with Regulation 2807/83;

“management period” means a period established under article 4 or deemed to be established under article 5(1), in respect of which an allocation of days applies;

“notified gear” means the regulated gear group or groups notified to the Secretary of State under article 4(1);

“person in charge”, in relation to any fishing boat, means the owner, the master or the charterer, if any, of the fishing boat or the agent of any of them;

“regulated gear” means fishing gear referred to in point 4 of the Cod Annex or point 3 of the Sole Annex, and references to gear groups are references to gear groups listed in those points;

“Regulation 2807/83” means Commission Regulation (EEC) No 2807/83 laying down detailed rules for recording information on Member States' catches of fish<sup>(7)</sup>;

“Regulation 2847/93” means Council Regulation (EC) No 2847/93 establishing a control system applicable to the Common Fisheries Policy<sup>(8)</sup>;

“Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs;

“Sole Recovery Zone” means the area referred to in point 1 of the Sole Annex.

(2) In this Order—

(a) “fishing boat” means any vessel to which the Cod Annex or the Sole Annex applies;

(b) “English fishing boat” means a fishing boat—

- (i) registered under the Merchant Shipping Act 1995<sup>(9)</sup> as to be treated as belonging to an English port; or

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(5) OJ No L 51 20.1.06.

(6) Section 30(2A) was inserted by Scotland Act 1998 (Consequential Modifications)(No.2) Order 1999, S.I. 1999/1820.

(7) OJ No L 276, 10.10.83, p.1, as amended by Commission Regulation (EEC) No 473/89 of 24 February 1989, Commission Regulation (EEC) No 2945/95 of 20 December 1995, Commission Regulation (EC) No 395/98 of 19 February 1998, Commission Regulation (EC) No 1488/98 of 13 July 1998, Commission Regulation (EC) No 2737/1999 of 21 December 1999 and Commission Regulation (EC) No 1965/2001 of 8 October 2001.

(8) OJ No L 261, 20.10.93, p.1, as amended by Council Regulation (EC) No 2870/95, Council Decision 95/528/EC of 5 December 1995, Council Regulation (EC) No 2489/96 of 20 December 1996, Council Regulation (EC) No 686/97 of 14 April 1997, Council Regulation (EC) No 2205/97 of 30 October 1997, Council Regulation (EC) No 2635/97 of 18 December 1997, Council Regulation (EC) No 2846/98 of 17 December 1998 and Council Regulation (EC) No 806/2003 of 14 April 2003.

(9) 1995 c. 21.

- (ii) which is owned wholly by persons qualified to own British ships for the purposes of Part II of that Act;
- (c) “Welsh fishing boat” means a fishing boat registered under the Merchant Shipping Act 1995 as to be treated as belonging to a Welsh port.
- (3) Expressions in this Order which are not defined in this Order and which appear in the Cod Annex or the Sole Annex have the same meaning in this Order as they have in those Annexes.
- (4) Any information notified for the purpose of any provision of this Order shall be treated as notified for the purposes of any equivalent provision.