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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the administration and enforcement of the provisions of Annex IIA and IIC (“the Annexes”) to Council Regulation (EC) No 41/2007 fixing for 2007 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 (OJ No L 15, 20.1.2007, p.1) (“the Regulation”).

The Order contains provisions which create a management system for days at sea based on monthly entitlements and linked to management periods. Article 4 deals with the establishment of management periods. Article 6 contains offences in relation to management periods. Article 7 provides for the calculation of allocation of days for fishing in the Cod Recovery and Sole Recovery Zones which are defined in article 3 as covering the geographical areas covered by the Annexes. Article 8 provides for the calculation of the allocation of days when a fishing boat is involved in pair trawling. Articles 9 and 10 provide for the adjustment of allocations of days by the Secretary of State. Article 11 contains offences in relation to allocations of days and other restrictions on presence in the Cod Recovery and Sole Recovery Zones. Article 12 provides for transfers of days and article 13 contains an offence of giving false information in a notification made for the purpose of a transfer.

Article 14 creates offences in relation to restrictions in both Annexes on the carriage and operation of fishing gears and the combined use of regulated and unregulated gears. Article 15 contains provisions on, and an offence relating to, the maintenance of log-books.

Part 3 of the Order makes provision for enforcement. Article 17 deals with penalties and article 18 provides for the recovery of fines imposed, or treated as imposed, by a magistrates’ court.

Articles 19, 20 and 22 confer various powers on British sea-fishery officers including the power to enter premises, to go on board fishing boats, to stop and search vehicles transporting fish and to seize fish and fishing gear.

Article 27 revokes article 3 and Parts 2, 3 and 4 of the Sea Fishing (Restriction on Days at Sea) (Monitoring, Inspection and Surveillance) Order 2006, S.I. 2006/1327; the provisions necessary to amend the Sea Fishing (Restriction on Days at Sea) Order 2005 (S.I. 2005/393) are retained.

A Regulatory Impact Assessment in relation to the Annexes and this Order has been prepared and placed in the library of each House of Parliament. Copies can be obtained from Defra, Sea Fisheries Conservation Division, Area 7B, 3 Whitehall Place, London SW1A 2HH.

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### Textual Amendments

- F1** Order revoked (6.3.2015) by [The Sea Fishing \(Enforcement and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/191\)](#), art. 1(1), [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Sea Fishing (Restriction on Days at Sea) Order 2007 (revoked).