
STATUTORY INSTRUMENTS

2015 No. 191

**The Sea Fishing (Enforcement and
Miscellaneous Provisions) Order 2015**

Amendment of the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations 2005

4.—(1) The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations 2005^{M1} are amended as follows.

(2) In regulation 1 (citation, commencement and extent)—

- (a) in paragraph (3)(b) and (c)(iv), after “Wales” insert “ or the Welsh zone ”; and
- (b) for paragraph (4) substitute—

“(4) In paragraph (3)(b) and (c)(iv), “Wales” and the “Welsh zone” have the same meanings as in section 158(1) of the Government of Wales Act 2006”.^{M2}

(3) In regulation 2 (interpretation)—

(a) in paragraph (1)—

- (i) omit the definition of “Article 9”;
- (ii) omit the definition of “the CFP Regulation”;
- (iii) after the definition of “British fishing boat” insert—

““the Control Regulation” means Council Regulation (EC) No. 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, as amended from time to time”;

- (iv) in the definition of “equivalent provisions”, for “Article 9, or Article 22 of the CFP Regulation” substitute “ Chapter II of Title V ”; and
- (v) in the definition of “fish”, for “Article 9 or Article 22 of the CFP Regulation” substitute “ the Control Regulation ”; and

(b) for paragraph (3) substitute—

“(3) Terms used in these Regulations which are not defined in paragraph (1) or (2) and which appear in the Control Regulation have the same meaning in these Regulations as they have for the purposes of the Control Regulation.

(4) In these Regulations, a reference to an Article means an Article of the Control Regulation, and a reference to Chapter II of Title V means Chapter II of Title V of the Control Regulation”.

(4) In regulation 3 (registration of fish sellers)—

- (a) in paragraph (1), for “Article 9” substitute “ Chapter II of Title V (control of marketing: post-landing activities) ”;
- (b) in paragraph (4), for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 59, 62, 63, 64, 66 and 67”;

- (c) in paragraph (8)(b), for “Article 9, Article 22 of the CFP Regulation” substitute “ Article 59, 62, 63, 64, 66 or 67 ”.
- (5) In regulation 5 (maintenance of records by registered fish seller), in paragraph (3), for “until the end of the second calendar year following that sale” substitute “ for 3 years ”.
- (6) In regulation 6 (designation of fish auction sites)—
- (a) in paragraph (1), for “Article 9 and Article 22 of the CFP Regulation” substitute “ Chapter II of Title V ”; and
- (b) in paragraphs (3) and (7)(b), for “Article 9, Article 22 of the CFP Regulation” substitute “ Chapter II of Title V ”.
- (7) In regulation 7 (registration of fish buyers)—
- (a) in paragraph (1), for “Article 22(2)(b) of the CFP Regulation” substitute “ Article 59 ”;
- (b) in paragraph (3), for “Article 9, Article 22 of the CFP Regulation” substitute “ Articles 62, 63, 64, 66 and 67 ”; and
- (c) in paragraph (7)(b), for “Article 9, Article 22 of the CFP Regulation” substitute “ Article 62, 63, 64, 66 or 67 ”.
- (8) For regulation 8 (purchase of fish by an unregistered buyer), substitute—
- “(8) Any person who buys fish contrary to Article 59(2) is guilty of an offence, unless the exemption in Article 59(3) applies”.
- (9) In regulation 9 (maintenance of records by registered fish buyer), in paragraph (3), for “until the end of the second calendar year following that purchase” substitute “ , for 3 years ”.
- (10) In Schedule 1 (conditions applicable to registrations of fish sellers), in paragraph 2, for “Article 9 of Council Regulation (EEC) 2847/1993^{M3}” substitute “ Articles 62 to 64 ”.
- (11) In Schedule 3 (conditions applicable to registrations of fish buyers), in paragraph 2, for “Article 22(2) of Council Regulation (EC) 2371/2002^{M4}” substitute “ Articles 62 to 64 ”.

Marginal Citations

- M1** S.I. 2005/1605, amended by S.I. 2009/1309.
- M2** 2006 c.32. The definition of the “Welsh zone” was inserted into section 158(1) by section 43(2) of the [Marine and Coastal Access Act 2009 \(c.23\)](#).
- M3** OJ No. L 261, 20.10.1993, p. 1, repealed by Council Regulation (EC) No. 1224/2009 (OJ No. L 343, 22.12.2009, p. 1).
- M4** OJ No. L 358, 31.12.2002, p. 59, repealed by Regulation (EU) No. 1380/2013 (OJ No. L 354, 28.12.2013, p. 22).

Changes to legislation:

There are currently no known outstanding effects for the The Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015, Section 4.