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STATUTORY INSTRUMENTS

2018 No. 849

SEA FISHERIES

The Sea Fishing (Enforcement) Regulations 2018

<i>Made</i>	- - - -	<i>11th July 2018</i>
<i>Laid before Parliament</i>		<i>16th July 2018</i>
<i>Coming into force</i>	- -	<i>20th August 2018</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 ^{M1} (“the 1972 Act”).

The Secretary of State is designated for the purposes of the 1972 Act in relation to the common agricultural policy ^{M2}.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for the references to Articles of the EU instruments listed in the Schedule to these Regulations to be construed as a reference to those Articles as amended from time to time.

Marginal Citations

- M1** 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#) and Part 1 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c. 7\)](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and by [S.I. 2007/1388](#). Under section 57(1) of the [Scotland Act 1998 \(c. 46\)](#), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the [Government of Wales Act 2006 \(c. 32\)](#), despite the transfer to the Welsh ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions in relation to Wales.
- M2** [S.I. 1972/1811](#), to which there are amendments not relevant to these Regulations. The designation in relation to the common agricultural policy extends to the common fisheries policy under Article 38(1) of the Treaty on the Functioning of the European Union (OJ No. C 326, 26.10.2012, p.62). Functions exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly were transferred to the Secretary of State by [S.I. 2002/794](#).

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Citation, commencement, and extent

1.—(1) These Regulations may be cited as the Sea Fishing (Enforcement) Regulations 2018 and come into force on 20th August 2018.

(2) These Regulations extend to Great Britain.

Powers of inshore fisheries and conservation officers

2.—(1) An inshore fisheries and conservation officer (“IFC officer”) appointed under section 165(1) of the 2009 Act has the powers referred to in section 166(3) of the 2009 Act for the purpose of enforcing the EU fisheries conservation measures.

(2) In paragraph (1), “EU fisheries conservation measures” means the Articles of the EU instruments, as amended from time to time, specified in the Schedule.

(3) Section 166(4) to (9) of the 2009 Act applies to the powers which an IFC officer has for the purpose mentioned in paragraph (1) as it applies to the powers which an IFC officer has for the purposes specified in section 166(1) of the 2009 Act.

(4) In this regulation, “the 2009 Act” means the Marine and Coastal Access Act 2009^{M3}.

Marginal Citations

M3 2009 c. 23.

Department for Environment, Food and Rural
Affairs

George Eustice
Minister of State

SCHEDULE

Regulation 2(1)

EU fisheries conservation measures

<i>Provision</i>	<i>Subject matter</i>
Commission Regulation (EEC) No 3440/84 on the attachment of devices to trawls, Danish seines and similar nets	
Articles 4 to 15	Restrictions on the use of devices attached to nets
Commission Regulation (EC) No 2056/2001 establishing additional technical measures for the recovery of stocks of cod in the North Sea and to the west of the coast of Scotland	
Article 4	Requirements relating to demersal towed nets and to catch composition
Article 5	Prohibition of the use of certain demersal towed nets and the carrying on board and use of certain beam trawls
Article 6	Prohibition of the use of certain beam trawls in specified areas
Article 7	Prohibition of the retention on board of cod in excess of a specified percentage by weight and caught by specified fixed gear
Article 8	Prohibition of the use of certain demersal towed nets in specified areas
Article 9a	Requirements on the landing of catches
Commission Regulation (EC) No 494/2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI, and VII and ICES divisions VIII a, b, d, e	
Article 2	Prohibition on the retention on board of hake in excess of specified percentages of the total catch
Article 3	Prohibition of the use of certain towed nets within specified areas, and prohibition of the use of certain other towed nets
Article 4	Prohibition of the use of certain beam trawls within specified areas
Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels	
Article 3	Prohibition of the removal or retention on board, or transshipment, landing, purchase, offer for sale or sale of shark fins
Council Regulation (EC) No 1224/2009 establishing a Union control system for	

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<i>[^{F1}Provision</i>	<i>Subject matter</i>
ensuring compliance with the rules of the common fisheries policy	
Article 8	Restrictions on the marking of fishing gears
Article 20	Prohibition of transshipment at sea
Article 42	Restrictions on transshipment in port by vessels engaged in fisheries subject to a multiannual plan
Article 44	Requirements on the stowage of demersal catches subject to multiannual plans
Article 47	Restrictions on carriage of fishing gear of multiple types
Article 48	Requirements relating to the retrieval of fishing gear lost at sea
Article 49a	Requirements on the stowage of catches below the minimum conservation reference size
Article 49c	Requirements on the landing of catches below the minimum conservation reference size
Article 54a	Prohibition of the processing on board, or transshipment for processing, of fish (except for the processing or transshipment of offal or the production of surimi) to produce fish-meal, fish-oil, or similar products
Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy	
Article 15(12)	Prohibition on retaining catches of species not subject to the landing obligation in Article 15(1) of Regulation (EU) No 1380/2013 which are below the minimum conservation reference size
Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean	
Article 19(1)	Prohibition of sport and recreational fishing of bluefin tuna without an authorisation issued by the Member State
[^{F2}Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters]	
[^{F3} Article 10(1), (2) and (3)]	Prohibition in specified waters of the fishing (including by commercial fisheries from shore) for European sea bass and of the retention, transshipment, relocation or landing of European

<i>[^{F1}Provision</i>	<i>Subject matter</i>
	sea bass caught in certain areas, subject to derogations setting catch limits in specified waters for certain fishing vessels with previously recorded catches of European sea bass using specified gear
[^{F4} Article 10(5)]	Restrictions in specified waters on the recreational fishing (including from shore) of European sea bass and the prohibition of the retention, relocation, transhipment or landing of European sea bass caught in certain areas
Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures	
Article 7	Prohibition of the use of specified gear and fishing methods
Article 8(2)	Prohibition of the transhipment, and restrictions on the retention on board or landing, of marine organisms when dredges are carried on board
Article 8(3)	Requirements relating to the mesh sizes of towed gear where more than one net is towed simultaneously by one or more fishing vessels
Article 8(4)	Prohibition of the use of devices (other than specified devices) that obstruct or diminish the mesh size of the codend or any part of a towed gear, or the carrying on board of devices specifically designed for that purpose
Article 9(1), (2) and (4)	Restrictions on the use of static nets and driftnets
Article 10(1) and (2)	Prohibition of the catching, retention on board, transhipment, landing, storage, sale, display or offer for sale of specified fish and shellfish species
Article 13(4)	Requirements relating to the retention on board and landing whole of specified species for which a minimum conservation reference size is established in Annexes 5, 6 or 7]

Textual Amendments

- F1** Sch. Table substituted (21.10.2019) by [The Sea Fishing \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1284\)](#), reg. 1, **Sch.** Table
- F2** Words in Sch. Table substituted (9.6.2020) by [The Sea Fishing \(Enforcement\) \(Amendment\) Regulations 2020 \(S.I. 2020/516\)](#), regs. 1, **2(a)**
- F3** Words in Sch. Table substituted (9.6.2020) by [The Sea Fishing \(Enforcement\) \(Amendment\) Regulations 2020 \(S.I. 2020/516\)](#), regs. 1, **2(b)(i)**

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F4 Words in Sch. Table substituted (9.6.2020) by [The Sea Fishing \(Enforcement\) \(Amendment\) Regulations 2020 \(S.I. 2020/516\)](#), regs. 1, **2(b)(ii)**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations confer on inshore fisheries and conservation officers the enforcement powers in section 166(3) of the Marine and Coastal Access Act 2009 (c. 23) (“the 2009 Act”) in relation to EU fisheries conservation measures listed in the Schedule, as amended from time to time (see regulation 2(2)). Amending measures affecting the EU fisheries conservation measures may be found on Eur-Lex (<https://eur-lex.europa.eu/homepage.html>). Regulation 2(3) provides that these enforcement powers may be exercised in accordance with section 166(4) to (9) of the 2009 Act for the purposes of the specified fisheries conservation measures as they may be exercised for the purposes specified in section 166(1) of that Act.

A full regulatory impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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