

2018 No. 849

SEA FISHERIES

The Sea Fishing (Enforcement) Regulations 2018

Made - - - - *11th July 2018*

Laid before Parliament *16th July 2018*

Coming into force - - *20th August 2018*

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(a) (“the 1972 Act”).

The Secretary of State is designated for the purposes of the 1972 Act in relation to the common agricultural policy(b).

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.

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.

(a) 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.

(b) 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.

(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(a).

George Eustice
Minister of State

11th July 2018

Department for Environment, Food and Rural Affairs

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(b) Articles 4 to 15	Restrictions on the use of devices attached to nets
Council Regulation (EC) No 894/97, laying down certain technical measures for the conservation of fishery resources(c) Articles 11, 11a and 11b	Restrictions on the use of drift nets
Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms(d) Article 4(1) and (2)	Requirements relating to the mesh sizes of towed nets
Article 4(3)	Prohibition of fishing in certain areas without completing a logbook unless using certain towed nets
Article 4(4)	Prohibition of landing unless nets with certain mesh sizes used
Article 5(3)	Prohibition of transshipment of marine organisms without completing a logbook
Article 6	Restriction on the number of meshes in certain towed gear
Article 7	Restriction of use of square mesh panels in specified towed gear
Article 8	Restrictions relating to the twine thickness of towed nets
Article 9	Restrictions on the carriage or use of towed nets

(a) 2009 c. 23.

(b) OJ No. L 318, 7.12.1984, p.23, as last amended by Commission Regulation (EC) No 146/2007 (OJ No. L 46, 16.2.2007, p.9).

(c) OJ No. L 132, 23.5.1997, p.1, as last amended by Council Regulation (EC) 809/2007 (OJ No. L 182, 12.7.2007, p.1).

(d) OJ No. L 125, 27.4.1998, p.1, as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council (OJ No. L 133, 29.5.2015, p.1).

	constructed wholly or in part of netting other than types specified
Article 10	Restriction on the transshipment of marine organisms during any voyage when dredges are carried on board
Article 11	Restriction on the use or keeping on board of specified fixed nets
Article 11a	Requirement to use 400 millimetre minimum mesh size for bottom set gillnets in certain areas when used to catch turbot
Article 14	Requirement to sort catches immediately after removal from nets
Article 15(1)	Prohibition of the landing of marine organisms subject to the landing obligation which are caught in excess of specified percentages or quantities
Article 15(2)	Prohibition of the retention of marine organisms not subject to the landing obligation in excess of specified percentages
Article 16	Prohibition of the use of devices that obstruct nets
Article 18(3)	Prohibition of the retention and landing of lobsters, crawfish, and bivalve and gastropod molluscs unless they are whole
Article 18(4)	Restriction on the retention and landing of catches of detached crab claws made by pots or creels and other fishing gear
Article 19	Prohibition of the retention, transshipment, landing, transport, storage, sale, offer for sale and display of undersized fish
Article 19a	Prohibition of the discarding of certain species in certain areas
Article 19b	Restrictions on fishing for mackerel, herring and horse mackerel in certain areas
Articles 20 and 20a	Restrictions on landing and retaining on board herring in specified waters during specified times
Article 21	Restrictions on retaining on board sprat in specified waters during specified times
Article 22	Restrictions on retaining on board mackerel in specified waters during specified times
Article 23	Restrictions on retaining on board anchovy
Article 25	Restrictions on retaining on board shrimps
Article 26	Restrictions on the retention, transshipment, landing, transport storage, sale, offer for sale and display of salmon and sea trout caught using towed nets or within specified waters
Article 27	Prohibition of the retaining on board Norway pout caught using towed gear in specified waters
Article 28	Restrictions on fishing for hake using specified towed nets in specified waters during specified times
Article 29	Restrictions on the fishing for plaice by certain vessels using specified towed gear in specified waters

Article 29a	Restrictions on landing and retaining on board sand eel
Article 29b	Restrictions on fishing for Norway lobster
Article 29c	Restrictions on fishing for Rockall haddock in certain areas
Article 29d and 29e	Restrictions on fishing for cod, haddock and whiting in certain areas
Article 29f	Restrictions on retaining on board blue ling in certain areas
Article 30	Restrictions on the use and having on board of certain demersal towed gear
Article 31	Prohibition of the use of explosives, poisonous or stupefying substances or electric current (except certain electrical fishing specified in Article 31a) and on the sale, display or offer for sale of marine organisms caught using methods incorporating the use of any kind of projectile
Article 32	Restrictions on the carriage or use on board of automatic grading equipment
Article 34	Restrictions on the use of beam trawls within 12 miles of the coasts of the United Kingdom and Ireland
Article 36	Prohibition of the landing, retention on board, transshipment, storage, transport, sale, display or offer for sale of salmon and sea trout caught within any part of the Skagerrak and Kattegat situated outside the four-mile limit measured from the baselines of Member States
Article 37(1)	Restrictions on the use of certain trawls within 3 miles of the baselines in the Skagerrak and Kattegat during specified periods
Article 39	Prohibition of the use of beam trawls in the Kattegat
Article 40	Prohibition, during the periods and in the areas referred to in Articles 37 and 39 where trawls or beam trawls may not be used, of carrying on board such nets unless they are lashed and stowed in accordance with the provisions laid down in Article 20(1) of Council Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy(a)
Article 42(1)	Prohibition of the processing on board, or transshipment for processing, of fish (except offal) to produce fish-meal, fish-oil, or similar products

**Council Regulation (EC) No 2549/2000
establishing additional technical measures
for the recovery of stock of cod in the Irish
Sea (ICES Division VIIa)(b)**

(a) OJ No. L 261, 20.10.1993, p.1, which was repealed by Council Regulation (EC) No 1224/2009 (OJ No L 343, 22.12.2009, p.1). Article 20(1) of Council Regulation (EEC) No 2847/93 was replaced by Article 47 of Council Regulation (EC) No 1224/2009: see Correlation Table at Annex II.

(b) OJ No. L 292, 21.11.2000, p.5, as last amended by Council Regulation (EC) No. 1456/2001 (OJ No. L 194, 18.7.2001, p. 1).

Article 2	Prohibition on fishing in the Irish Sea with specified towed 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(a)	
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(b)	
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(c)	
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 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries(d)	
Article 2	Prohibition of the use of specified fishing gear without the simultaneous use of active acoustic deterrent devices
Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the	

-
- (a) OJ No. L 277, 20.10.2001, p.13, as last amended by Commission Implementing Regulation (EU) 2015/1897 (OJ No. L 277, 22.10.2015, p.11).
- (b) OJ No. L 77, 20.3.2002, p.8, as last amended by Commission Implementing Regulation (EU) No. 2015/1867 (OJ No. L 275, 20.10.2015, p.20).
- (c) OJ No. L 167, 4.7.2003, p.1, as last amended by Regulation (EU) No. 605/2013 of the European Parliament and of the Council (OJ No. L 181, 29.6.2013, p. 1).
- (d) OJ No. L 150, 30.4.2004, p. 12, as last amended by Regulation (EU) No. 597/2014 of the European Parliament and of the Council (OJ No. L 173, 12.6.2014, p 62).

common fisheries policy(a)

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

Council 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(b)

Article 19(1)

Prohibition of sport and recreational fishing of bluefin tuna without an authorisation issued by the Member State

Council Regulation (EU) 2018/120 fixing for 2018 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(c)

Articles 9(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 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

Article 9(4)

Restrictions in specified waters on the recreational fishing (including from shore) of European sea bass and the prohibition of the retention, relocation, transshipment or landing of European sea bass caught in certain areas

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

(a) OJ No. L 343, 22.12.2009, p. 1, as last amended by Regulation (EU) No. 2015/812 of the European Parliament and of the Council (OJ No. L 133, 29.5.2015, p 1).

(b) OJ No. L 252, 16.9.2016, p.1.

(c) OJ No. L 27, 31.1.2018, p.1.

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.

© Crown copyright 2018

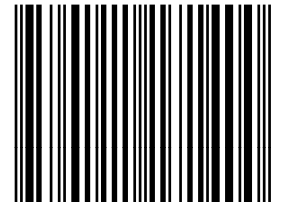
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

UK201807131008 07/2018 19585

<http://www.legislation.gov.uk/id/uksi/2018/849>

ISBN 978-0-11-117140-0



9 780111 171400