
EXPLANATORY NOTE

(This note does not form part of the Order.)

This Order, which applies to Wales, revokes the Sea Fishing (Enforcement of Community Control Measures) Order 1994 (“the 1994 Order”) and the Sea Fishing (Enforcement of Community Control Measures) (Amendment) Order 1996 insofar as they apply to Wales.

Council Regulation (EEC) No. 2847/93 established a control system applicable to the common fisheries policy (“the Control Regulation”). Details can be found under reference (OJ No. L261, 20.10.93, p.1).

That Regulation was amended by Council Regulation (EC) 2846/98. (See OJ No. L192, 8.7.98, p.4).

To provide for the enforcement of the Council Regulation, this Order largely re-enacts the provisions of the 1994 Order as well as introducing some new provisions.

The Order creates offences in respect of breaches of the provisions referred to in column 1 (and briefly described in column 3) of the Schedule to this Order and in article 3 of this Order.

The amendments to the Control Regulation made by Council Regulation (EC) No. 2846/98 include in particular—

1. the requirement to keep a logbook in respect of amounts of fish of over 50kgs;
2. the requirement for vessels wishing to land catches into a Member State other than the flag Member State to comply with the requirements of a designated ports scheme (if any) or give 4 hours advance notification of their intention to land to the competent authorities of the Member State of landing;
3. new rules in respect of the submission of sales notes, transport declarations and take over declarations; and
4. the extension of a number of requirements to third country fishing vessels.

Penalties for contravention of the Community provisions are to be found in Articles 4 of, and the Schedule to, the Order.

For the purpose of enforcing the Community control measures specified in the Schedule, this Order confers on British sea-fishery officers, acting within Wales (which includes the territorial sea adjacent to Wales), the following powers:—

- to enter premises,
- to go on board fishing boats,
- to stop and search vehicles transporting fish,
- to examine fish,
- to require the production of documents,
- to search for and seize documents,
- to take a boat to the nearest convenient port and
- to seize fish and fishing gear

(articles 6, 7 and 8 of the Order).

Status: *This is the original version (as it was originally made).*

Provision is also made for the prosecution of offenders and for the punishment of anyone found guilty of furnishing false information or obstructing a British sea-fishery officer (articles 3 and 10 of the Order). The statutory maximum penalty specified in the Schedule is currently £5,000. The Order provides powers for the recovery of fines imposed by a magistrates court (article 5 of the Order).

Articles 9, 11 and 12 contain ancillary provisions.