
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 452

The Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Northern Ireland) Order 2005

PART 1

GENERAL

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Northern Ireland) Order 2005 and shall come into operation on 14th November 2005.

(2) Subject to paragraph (3), this Order shall not form part of the law of Scotland or England or apply in Wales.

(3) Nothing in paragraph (2) shall be treated as prejudicing the effect of section 30(2A) of the Fisheries Act(1) in relation to, or for purposes incidental to, any provision in this Order which creates an offence.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(2) shall apply to this order as it applies to an Act of the Northern Ireland assembly.

(2) In this Order—

“Northern Ireland fishing boat” means a fishing boat which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995(3) and whose entry in the register specifies a port in Northern Ireland as the port to which the boat is to be treated as belonging;

“British fishing boat” means a fishing boat which is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995 or is owned wholly by persons qualified to own British ships for the purpose of that part of the Merchant Shipping Act 1995;

“Community fishing boat” means a fishing boat flying the flag of, and registered in, a Member State of the European Community other than the United Kingdom;

“equivalent provision” means any provision in any other Order made for the purposes of making provision for the administration and enforcement of the Commission Regulation, extending to any part of the United Kingdom, which has equivalent effect to a specified provision in this Order, proceedings in respect of which may be taken in Northern Ireland by virtue of section 30(2A) of the Fisheries Act 1981;

(1) Section 30(2A) was inserted by [S.I. 1999/1820](#), Schedule 2, paragraph 68(5)(a)

(2) [1954 c. 33 \(NI\)](#)

(3) [1995 c. 21](#)

“Fisheries Monitoring Centre” means a Fisheries Monitoring Centre established under Article 3(7) of Regulation 2847/93;

“fishing boat” includes a receiving vessel within the meaning of Regulation 2847/93;

“Northern Ireland zone” has the same meaning as in the Northern Ireland Act 1998(4);

“person in charge”, in relation to a fishing boat, means the owner, master or charterer, if any, of the fishing boat or the agent of any of them;

“Regulation 2847/93” means Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy(5) as amended by Council Regulation (EC) No. 2870/95(6), Council Decision (EC) No. 95/528(7), Council Regulation (EC) No. 2489/96(8), Council Regulation (EC) No. 686/97(9), Council Regulation (EC) No. 2205/97(10), Council Regulation (EC) No. 2635/97(11), Council Regulation (EC) No. 2846/98(12), Council Regulation (EC) No. 806/2003(13) and Council Regulation (EC) No. 1954/2003(14);

“required information” means the information set out in Article 5(1) of the Commission Regulation;

“satellite-tracking device” means a device which sends the required information by way of satellite and land earth station to a Fisheries Monitoring Centre;

“Commission Regulation” means Commission Regulation (EC) No. 2244/2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems(15);

“third country fishing boat” means a fishing vessel flying the flag of, and registered in, a state other than a Member State of the European Communities and includes a receiving vessel within the meaning of Commission Regulation 2847/93.

(3) Any reference to a logbook, declaration or document or any required information includes, in addition to a logbook, declaration or document or required information in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any disk, tape, sound track or other device in which sounds or other data (not being visual aids) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (d) any film (including microfilm), negative, tape, disk or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom.

Application

3. This Order only applies to fishing boats to which the Commission Regulation applies.

(4) 1998 c. 47

(5) O.J. No. L261, 20.10.93, p. 1

(6) O.J. No. L301, 14.12.95, p. 1

(7) O.J. No. L301, 14.12.95, p. 35

(8) O.J. No. L338, 28.12.96, p. 12

(9) O.J. No. L102, 19.4.97, p. 1

(10) O.J. No. L304, 7.11.97, p. 1

(11) O.J. No. L356, 31.12.97, p. 14

(12) O.J. No. L358, 31.12.98, p. 5

(13) O.J. No. L122, 16.5.03, p. 1

(14) O.J. No. L289, 7.11.03, p. 1

(15) O.J. No. L333, 20.12.03, p. 17

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