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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 492**

**The Sea Fishing (Enforcement of Community Measures)  
(Penalty Notices) Order (Northern Ireland) 2008**

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>(1)</sup> shall apply to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“British sea fishery officer” means any person who by virtue of section 7 of the Sea Fisheries Act 1968<sup>(2)</sup> is a British sea fishery officer;

“the Department” means the Department of Agriculture and Rural Development;

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

“Northern Ireland fishing boat” means—

(a) a fishing boat which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 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; or

(b) a fishing boat, other than—

(i) a Scottish fishing boat,

(ii) a Welsh fishing boat, or

(iii) an English fishing boat,

which is owned wholly by persons qualified to own British ships for the purposes of Part II of that Act;

“Northern Ireland zone” has the same meaning as in section 98(1) of the Northern Ireland Act 1998<sup>(4)</sup>

“penalty” means the amount specified in a penalty notice;

“penalty notice” means a notice offering the opportunity, by payment of a specified amount in accordance with this Order, to discharge any liability to be convicted of the penalty offence to which the notice relates;

“penalty offence” means an offence (other than one involving assault, obstruction, or failure to comply with a requirement imposed by a person) under—

(c) section 30(1)(a) of the Fisheries Act 1981 (offences relating to enforceable Community restrictions relating to sea fishing);

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(1) 1954 c.33(N.I.)

(2) 1968 c.77.

(3) 1995 c.21.

(4) 1998 c.47.

- (d) an order made under section 30(2) of that Act (provisions for the enforcement of any enforceable Community restriction or other obligation relating to sea fishing);
- (e) the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations (Northern Ireland) 2005<sup>(5)</sup>;
- (f) the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2005<sup>(6)</sup>;
- (g) the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations 2006<sup>(7)</sup>; or
- (h) the Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Regulations 2005<sup>(8)</sup>;

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

“Welsh fishing boat” means a fishing boat which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Wales as the port to which the vessel is to be treated as belonging.

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<sup>(5)</sup> S.R.2005/419.

<sup>(6)</sup> S.I.2005/1605.

<sup>(7)</sup> S.I.2006/1495.

<sup>(8)</sup> S.S.I.2005/286, as amended by S.S.I.2005/438.