
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 26

The Sea Fishing (Enforcement of Measures for the Recovery of the Stock of Irish Sea Cod) (Scotland) Order 2000

Interpretation

2.—(1) In this Order—

“the Commission Regulation” means Commission Regulation (EC) No. 304/2000 establishing measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa)(1);

“the Community measure for the recovery of the stock of cod in the Irish Sea” means the prohibition contained in Article 1.1 of the Commission Regulation, as read with Articles 1.2, 1.3 and 2 of that Regulation;

“fishery product” includes fish;

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

“Regulation 2847/93” means Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy(2);

“relevant offence” means an offence under:

- (a) article 3 of this Order; or
- (b) any provision extending to any other part of the United Kingdom made for the purposes of implementing the Community measure for the recovery of the stock of cod in the Irish Sea, being a provision in respect of which, by virtue of section 30(2A) of the Fisheries Act 1981, proceedings may be commenced in any place in the United Kingdom;

“Scottish fishing boat” means a fishing vessel 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;

“Scottish zone” has the same meaning as in the section 126(1) of the Scotland Act 1998(3).

(2) In this Order any reference to a document, logbook or declaration includes, in addition to a document, logbook or declaration in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any data, howsoever reproduced, communicated via a satellite based vessel monitoring system established under Article 3.1 of Regulation 2847/93;
- (d) any disk, tape, sound track or other device in which sounds or other data (not being visual images) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and

(1) O.J. No. L35, 10.02.2000, p.10.

(2) O.J. No. L261, 20.10.93, p.1, as last amended by Council Regulation (EC) No. 2846/98 (O.J. No. L358, 31.12.98, p.5).

(3) 1998 c. 46. The sea within British fishery limits (that is, the limits set by or under section 1 of the Fishery Limits Act 1976 (c. 86) which is adjacent to Scotland or determined by the Scottish Adjacent Waters Boundaries Order 1999.

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- (e) 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.
- (3) Any reference in this Order–
- (a) a numbered article is a reference to the article so numbered in this Order;
 - (b) a Community instrument is a reference to that instrument and any amendment of such instrument in force on the date this Order is made.