
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 392

**The Sea Fishing (Enforcement of Community
Satellite Monitoring Measures) (Scotland) Order 2004**

Interpretation

2.—(1) In this Order—

“Community fishing boat” means a fishing vessel 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 under section 30(2) of the Fisheries Act 1981 for the purposes of implementing Regulation 2244/2003, extending to any part of the United Kingdom, which has equivalent effect to a specified provision in this Order, proceedings in respect of which, by virtue of section 30(2A) of the Fisheries Act 1981, may be commenced in any place in the United Kingdom;

“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;

“polled” means requested by automatic electronic means by a Fisheries Monitoring Centre to automatically provide to that Centre by way of signal transmitted via satellite the required information at any time other than that required by article 6(2) of this Order;

“relevant British fishing boat” means a fishing vessel, other than a Scottish fishing boat, which either is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995⁽¹⁾ or is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act;

“Regulation 2847/93” means Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy⁽²⁾ as amended by Council Regulation (EC) No. 2870/95⁽³⁾, Council Decision (EC) No. 95/528⁽⁴⁾, Council Regulation (EC) No. 2489/96⁽⁵⁾, Council Regulation (EC) No. 686/97⁽⁶⁾, Council Regulation (EC) No. 2205/97⁽⁷⁾, Council Regulation (EC) No. 2635/97⁽⁸⁾ and Council Regulation (EC) No. 2846/98⁽⁹⁾;

“Regulation 2244/2003” means Commission Regulation (EC) No. 2244/2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems⁽¹⁰⁾;

“required information” means—

(a) the name and registration of the fishing boat;

(1) 1995 c. 21.

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

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

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

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

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

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

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

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

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

- (b) the most recent geographical position of the fishing boat expressed in degrees and minutes of longitude and latitude with a margin of error less than 500 metres and with a confidence interval of 99%;
- (c) the date and time (expressed in universal time coordinated (UTC)) of the fixing of that position; and
- (d) as from 1st January 2006, the speed and course of the fishing vessel;

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

“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 section 126(1) of the Scotland Act 1998⁽¹¹⁾;

“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.

(2) 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.

(3) Without limiting the generality of articles 4(2)(b) and 5(2), a satellite-tracking device shall not be regarded as operational for the purposes of those articles during any time when it is failing to operate in accordance with article 6(2) below.

⁽¹¹⁾ 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 is determined by the Scottish Adjacent Waters Boundaries Order 1999 (S.I.1999/1126).