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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the enforcement in Scotland of the provisions of Annex V (“the Annex”) to Council Regulation 2287/2003 (O.J. No. L 344, 31.12.03) fixing for certain fish stocks and groups of fish stocks the fishing opportunities in Community waters for 2004.

The Order contains provisions relating to the determination for certain fishing boats of the management periods referred to in paragraph 6(b) of the Annex (article 3); and the calculation of the number of days on which a vessel may be absent from port for the purposes of the Annex (article 4(2) to (4)). It contains provisions relating to the deduction of days by the Scottish Ministers (article 4(5)) and the procedure to be followed in doing so (article 5).

Provision is made as to the use of regulated gears and associated offences (article 6), and the transfer of days from one boat to another (article 7).

The Order extends the application of the Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000 (S.S.I. 2000/7) in pursuance of the Annex (Article 8), and creates offences in respect of contraventions by certain persons of other provisions of the Annex concerning mixing of species, transportation of cod, the landing of cod where prior notification is required and the landing of cod at a designated port (articles 9, 10, 11 and 12). By virtue of article 12(4), the ports named in the Schedule to the Order are designated for the purposes of paragraph 17 of the Annex.

Provision is made for the maintenance of a logbook (article 13), and for the submission of the relevant part of the logbook at a designated port (article 14).

The Order provides for penalties (article 15) and for the recovery of fines imposed in respect of a relevant offence as defined in the Order (article 16).

For the purposes of enforcing provisions of the Annex the Order confers on British sea-fishery officers the 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 17 to 19).

Provision is made for the protection of British sea-fishery officers in the exercise of their powers under the Order (article 20) and for an offence of obstructing such officers (article 21).

Provision is made in relation to offences committed by a body corporate, a partnership or an unincorporated association (article 22) and in relation to the admissibility in evidence of logbooks and other documents (article 23).

The Order revokes the Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2003 (S.I.2003/56) and the Orders which amended that Order (article 24).

A Regulatory Impact Assessment in the relation to the Annex has been prepared and placed in SPICE. Copies can be obtained from the Scottish Executive Environment and Rural Affairs Department, Robb’s Loan, Edinburgh, EH14 1TY.