

EXECUTIVE NOTE

The Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Amendment Regulations 2005 SSI/2005/438

1. The above Regulations were made in exercise of the powers conferred by Section 2(2) of the European Communities Act 1972. This instrument is subject to negative resolution procedure.

Policy Objective

2. The purpose of this instrument is to amend the Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Regulations 2005 (“the principal Regulations”). This instrument removes the offence provided for by regulation 4(2) of the principal Regulations. Regulation 4(2) of the principal Regulations provides that when first sale fish is sold from a fishing vessel to a buyer who is not a registered fish buyer, the master, owner or charterer (if any) of the fishing vessel is guilty of an offence.

3. In addition the instrument amends the principal Regulations by lowering the limit for fish bought for personal consumption in regulation 8 (2)(b) from 50 kg to 25 kg. Following the publication of the principal instrument a number of industry groups made representations against the inclusion of the offence at regulation 4(2). The Executive (along with the other Fisheries Departments in the UK) accepted the industry argument that it would be more appropriate to consider the introduction of this offence in light of experience of industry compliance under the novel arrangements introduced through the principal instrument. As the industry co-operated closely with the Executive in the development and implementation of these Regulations their suggestion was viewed with some sympathy.

4. Following the publication of the principal Regulations a number of industry groups made representations against the inclusion of the offence at regulation 4(2). The Executive (along with the other Fisheries Departments in the UK) considered the representations made and accepted the industry argument that it would be more appropriate consider the introduction of this offence at a later date in light of experience of industry compliance under the novel arrangements introduced through the principal Regulations. As the industry co-operated closely with the Executive in the development and implementation of the principal Regulations their suggestion was viewed with some sympathy.

5. The principal Regulations limited the application of an exemption provided for in Article 22 of Regulation 2371/2002 in respect of fish bought and used for personal consumption to quantities of no more than 50kg. Again, industry umbrella groups lobbied for this to be further reduced to 25kg as they felt the original limit was too high and possibly open to abuse by unscrupulous traders.

6. The amendments made to the principal Regulations by this instrument reflect a similar approach that has been taken under corresponding measures in England.

Consultation

7. Consultation with industry was carried out as part of the original consultation process.

Financial Effects

8. This instrument has no financial effects on the Scottish Executive, local government or on business.

**Scottish Executive Environment and Rural Affairs Department
Sea Fisheries (Management) Division**

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