
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the enforcement of Community restrictions and other obligations relating to the removal of shark fins on board vessels as set out in Commission Regulation (EC) No. 1185/2003 of 26th June 2003 (“the Regulation”).

This Order applies to Scottish fishing boats wherever they may be, to other fishing boats in Scotland or the Scottish zone and, in relation to the prohibition on the purchase, offer for sale or sale of certain shark fins imposed by Article 3.2 of the Regulation, to all persons within Scotland and the Scottish zone. This Order comes into force on [1st March] 2007.

Article 3 of the Order creates offences in respect of contraventions of, or failures to comply with, the provisions of the Regulation referred to in Column 1 of the Schedule to the Order, and of recklessly or knowingly making false logbook entries or furnishing false information in purported compliance with Article 5 of the Regulation. Article 4 specifies the penalties which apply in relation to offences under article 3. Article 5 makes provision for the recovery of fines.

The Order confers powers of enforcement on British sea fishery officers (articles 6, 7 and 8), and article 9 makes supplementary provision regarding the protection of such officers and their assistants and the obstruction of such officers in the exercise of their powers under the Order. Article 10 makes provision in relation to offences committed by bodies corporate and Scottish partnerships, and article 11 provides that any records kept under Article 5 of the Regulation shall be received in evidence in any proceedings for a relevant offence and be sufficient evidence of the matters referred to therein.

A Regulatory Impact Assessment in relation to this Order 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.

Changes to legislation:

There are currently no known outstanding effects for the The Sea Fishing (Prohibition on the Removal of Shark Fins) (Scotland) Order 2007.