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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 413**

**The Sea Fishing (Prohibition on the Removal of  
Shark Fins) (Scotland) Amendment Order 2009**

**Amendment of the Sea Fishing (Prohibition on the Removal of Shark Fins) (Scotland) Order 2007**

2.—(1) The Sea Fishing (Prohibition on the Removal of Shark Fins) (Scotland) Order 2007<sup>(1)</sup> is amended in accordance with this article.

(2) In article 2 (interpretation)—

(a) before the definition of “premises” insert—

““Community fishing boat” means a fishing boat flying the flag of, and registered in, a Member State of the European Community other than the United Kingdom;”;

(b) before the definition of “relevant document” insert—

““relevant British fishing boat” means a fishing boat which is not a Scottish fishing boat and which either is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995<sup>(2)</sup> or is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act;”;

(c) for the definition of “relevant fishing boat”, substitute—

““relevant fishing boat” means—

(a) in relation to article 3(1)—

(i) a Scottish fishing boat wherever it may be; and

(ii) any other fishing boat which is within the Scottish zone, except any relevant British fishing boat or Community fishing boat that holds, and operates in compliance with, a special fishing permit issued in accordance with Article 4 of the Regulation; and

(b) in relation to article 3(3), any relevant British fishing boat or Community fishing boat which is within the Scottish zone and holds a special fishing permit issued in accordance with Article 4 of the Regulation;”.

(3) In article 3 (offences)—

(a) for paragraph (3) substitute—

“A person in charge of a relevant fishing boat in relation to which there is a contravention of, or failure to comply with, a provision of the Regulation referred to in column 1 of Part 3 of the Schedule commits an offence.”; and

(b) for paragraph (4) substitute—

“Any person who, in purported compliance with Article 5 of the Regulation, knowingly or recklessly makes a false or misleading entry in a logbook, or furnishes information which is false in a material particular, commits an offence

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(1) S.S.I. 2007/39.

(2) 1995 c.21.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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where the entry is made, or the information is furnished, in Scotland or in the Scottish zone.”.

(4) In Schedule 1 (specified community provisions, contravention of which constitutes an offence)—

- (a) in Part 1 omit the entries in columns 1 and 2 for items 2, 3, 4 and 5; and
- (b) after Part 2 insert—

### “Part 3

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of Regulation</i>	<i>Subject Matter</i>
1. Article 4.3	Prohibition on the discarding at sea of the remaining parts of sharks (except those parts resulting from basic operations) where the shark finning has taken place in accordance with a special fishing permit as specified in Article 4.1.
2. Article 4.4, as read with Article 4.5	Prohibition on the retention on board of fins, the weight of which exceeds 5% of the live weight of the shark catch.
3. Article 5.1	Requirement on masters holding special fishing permits to keep records of the weight of shark fins and the remaining parts of sharks retained on board, transhipped or landed; requirement to keep logbook records with valid landing, transhipment and sales documentation where the shark catch is not landed as a whole.”