

## **POLICY NOTE**

### **THE SEA FISHING (MISCELLANEOUS REVOCATIONS) (SCOTLAND) ORDER 2017**

**SSI 2017/324**

1. This Order revokes 8 Orders in their entirety and 2 Orders partially. All of the listed Orders or provisions relate to sea fisheries and are now spent.

#### **Policy Objectives**

2. This Order removes redundant subordinate legislation from the books. All listed Orders within the schedule are either spent or, where appropriate, have been superseded by updated European and/or national legislation.

3. The Anglo-Norwegian Sea Fisheries Order 1961 implemented (in relation to UK-registered fishing boats) an Agreement entered into by the United Kingdom and Norwegian governments in November 1960 which regulated sea fishing by UK-registered and Norwegian-registered fishing boats in waters off the coast of Norway. The provisions in the Order are superseded by the EU Common Fisheries Policy and subsequent agreements between the EU and Norway.

4. The Foreign Sea-Fishery Officers Order 1973 specified the class of persons who were to be foreign sea-fishery officers for the purpose of enforcing a specified Convention (formed by an Exchange of Notes between the UK and Iceland governments in November 1973) relating to the conduct of fishing in an area around Iceland. The provisions of the Convention are no longer enforced in practice.

5. The Sea Fishing (Enforcement of Community Licensing Measures) (North of Scotland Box) Order 1984 dealt with enforcement of Article 4 of Commission Regulation (EEC) No. 2166/83. That provision set down a requirement for vessels licensed to fish in waters known as the North of Scotland box to communicate the vessels' movements in or out of those waters. Commission Regulation (EEC) No 2166/83 provided for vessels to be licensed specifically for fishing in the specified waters. The licensing system was managed by the Commission on behalf of the EU. Member States whose flag vessels requested to fish in the relevant waters (around the Shetland Islands) notified lists of vessels to the Commission and the competent control authorities in the UK (in practice, Scotland). The Commission transmitted a definitive list of licensed vessels to fish in the area during relevant licensing periods. However, the Commission has not sent a definitive list of licensed vessels to the competent UK control authority since [2012]. Vessel limits for this area were effectively removed by the coming into force of EC Regulation 1380/2013 (CFP). The requirements set out in the 1984 Order are therefore no longer enforced in practice.

6. The Sea Fishing (Enforcement of Community Measures for Spanish and Portuguese Vessels) Order 1986 provided for the enforcement of 3 EU Regulations concerned with the fishing within EU waters, but outside Spanish or Portuguese waters, by fishing boats flagged to either Spain or Portugal. The EU Regulations formed part of the transitional measures made in connection with Spain and

Portugal's accession to the EU. The measures have since been superseded by other EU Regulations relating to fisheries technical and control measures.

7. The Sandeels Licensing Order 1989 provided for the prohibition of fishing for sandeels by British fishing boats within specified Scottish inshore waters, unless authorised by a licence granted by a UK Fisheries Administration. It also provided for associated enforcement powers of British sea fishery officers. The Order is no longer required and can be revoked because fishing boat licences which authorise commercial fishing activity under section 4 of the Sea Fish (Conservation) Act 1967 and the Sea Fish Licensing Order 1992 include authorisation to fish for sandeels. No separate licences for fishing for sandeels have been issued by the Scottish Ministers since 2009. Since 2000, following International Council for the Exploitation of the Sea (ICES) advice, there has been a ban on sandeel fishing off eastern Scotland and no industry interest on the West Coast due to low abundance. The 1989 Order has therefore been superseded by the licensing regime for fishing generally and by common enforcement powers in relation to sea fisheries legislation.

8. The Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1990 and the Sea Fishing (Specified Western Waters) (Restrictions on Landing) (Variation) Order 1991 prohibited the landing in the UK of any sea fish (other than salmon or trout) caught in specified waters – subject to a number of widely-framed exceptions. The provisions in these Orders are no longer enforced in practice, as they have been superseded by various other applicable provisions on the landing of sea fish.

9. The Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2010 provided for the enforcement of effort restrictions in relation to fishing in the cod recovery zone. As those effort restrictions have been revoked by Regulation (EU) 2016/2094 of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks, the 2010 Order is now redundant and can be revoked.

10. Paragraph 2 of schedule 2 of the Sea Fishing (EU Recording and Reporting Requirements) (Scotland) Amendment Order 2011 and article 27 of the Sea Fishing (EU Control Measures) (Scotland) Order 2015 both amended the Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2010, so both provisions are also now redundant and can also be revoked.

## **Consultation**

11. Given the superseded or spent nature of the listed Orders, no consultation on their revocation is deemed necessary.

## **Financial effects**

12. There are no financial implications associated with bringing this Order into place.

## **Impact assessments**

13. No Business and Regulatory Impact Assessment has been prepared in relation to this Order, as no impact upon business, charities or the voluntary bodies is foreseen.

Marine Scotland  
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