
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 24

**The Fisheries (EU Exit) (Scotland)
(Amendment) Regulations 2019**

PART 4

Other amendments to subordinate legislation

The Sea Fishing (EU Recording and Reporting Requirements) (Scotland) Order 2010

8.—(1) The Sea Fishing (EU Recording and Reporting Requirements) (Scotland) Order 2010^{M1} is amended as follows.

(2) In article 2—

(a) in paragraph (1)—

- (i) omit the definition of “Common Fisheries Policy Regulation”,
- (ii) in the definition of “equivalent provision”—
 - (aa) for “EU recording” substitute “ recording ”,
 - (bb) for “EU (third country)” substitute “ third country ”,
- (iii) omit the definition of “EU fishing boat”,
- (iv) omit the definition of “EU recording and reporting requirement”,
- (v) omit the definition of “EU (third country) recording and reporting requirement”,
- (vi) in the definition of “logbook”, for “Articles 14, 15 and 16” substitute “ Articles 14 and 15 ”,
- (vii) after the definition of “logbook” insert—

““recording and reporting requirement” means a provision of the Control Regulation or Regulation 404/2011 specified in column 1 of schedule 1, as read with any qualifying words relating to the provision in that column and any detailed rules specified in the corresponding entry in column 2 of schedule 1,”,
- (viii) in the definition of “third country”^{M2} for “a Member State” substitute “ the United Kingdom ”,
- (ix) after the definition of “third country fishing boat” insert—

““third country recording and reporting requirement” means—

 - (i) a provision of the Control Regulation or Regulation 404/2011 specified in entries 1(aa) to (e) or 2(a) to (e) of column 1 of schedule 1, as read with any qualifying words relating to the provisions in that column and any detailed rules specified in the corresponding entry in column 2 of schedule 1, or
 - (ii) a provision of Regulation 2017/2403 specified in entries 1(a) or (b) or 2(a) of column 1 of schedule 2,”,

(b) omit paragraph (3).

- (3) In article 3—
- (a) in paragraph (1)—
 - (i) for “EU recording” substitute “ recording ”,
 - (ii) for “EU (third country)” substitute “ third country ”,
 - (b) in paragraph (2)—
 - (i) for “EU recording” substitute “ recording ”,
 - (ii) for “EU (third country)” substitute “ third country ”.
- (4) In article 5—
- (a) In the heading, for “EU recording” substitute “ Recording ”,
 - (b) for paragraph (1) substitute—
 - “(1) Where there is, in respect of—
 - (a) any Scottish fishing boat wherever it may be; or
 - (b) any fishery product, premises or vehicle in Scotland,
 a contravention of any recording and reporting requirement, the persons specified in the corresponding entry in column 4 of schedule 1 are each guilty of an offence.”,
 - (c) in paragraph (2), for “EU recording” substitute “ recording ”,
 - (d) in paragraph (3)—
 - (i) for “[euro]200,000” substitute “ £175,000 ”,
 - (ii) omit “and based on the European Central Bank's official average euro foreign exchange rate applicable for that calendar year”.
- (5) For article 6 substitute—

“Third country recording and reporting requirements

6.—(1) Where there is, in respect of—

- (a) any third country fishing boat within the Scottish zone; or
- (b) the entry into the Scottish zone by any third country fishing boat,

a contravention of any third country recording and reporting requirement, the persons specified in the corresponding entry in column 4 of schedule 2 are each guilty of an offence.

(2) For the purposes of this article, the reference to “the rules governing the fishing operations of Union vessels” in Article 32(2) of Regulation 2017/2403 is to be construed as a reference to the recording and reporting requirements specified in entries 1(aa) to (e) and 2(a) to (e) in schedule 1 of this Order.

(3) A person is guilty of an offence if that person, in purported compliance with a third country recording and reporting requirement, knowingly or recklessly records or reports information which is false in a material particular where that information is recorded or reported in Scotland or in the Scottish zone.”.

- (6) In schedule 1—
- (a) in the heading for “**EU RECORDING**” substitute “ **RECORDING** ”,
 - (b) in the table in schedule 1—
 - (i) omit column 3,
 - (ii) omit entry 1(c),
 - (iii) in column 1, in entry 1(d), omit “subject to Article 22(2)”,

- (iv) in column 1, in entry 1(e), omit “subject to Article 24(2)”,
- (v) omit entries 2(d) and (e).
- (7) In schedule 2—
 - (a) in the heading—
 - (i) for “EU (THIRD COUNTRY)” substitute “ THIRD COUNTRY ”,
 - (b) in the table in schedule 2—
 - (i) omit column 3.

Commencement Information

- I1** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)
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Marginal Citations

- M1** [S.S.I. 2010/334](#), as amended by [S.S.I. 2011/59](#) and [S.S.I. 2015/320](#).
- M2** That definition will be inserted by regulation 4(2)(a)(vi) of [S.S.I. 2019/24](#).

Changes to legislation:

There are currently no known outstanding effects for the The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019, Section 8.