
STATUTORY INSTRUMENTS

2000 No. 181

**The Sea Fishing (Enforcement of Community
Satellite Monitoring Measures) Order 2000**

Interpretation

2.—(1) In this Order—

“capable of being polled”, in relation to a satellite tracking device, means:

- (a) capable of receiving a request by a Fisheries Monitoring Centre to provide that Centre with the required information at a time other than that required by article 3(4) of this Order, and
- (b) immediately providing the required information to that Centre in response;

“Community satellite monitoring measure” means a provision of:

- (a) Article 3 and Article 28c, in so far as it relates to satellite-based vessel monitoring systems, of Regulation 2847/93, or
- (b) Regulation 1489/97;

“Fisheries Monitoring Centre” means a fisheries monitoring centre established under Article 3.7 of Regulation 2847/93;

“fishing boat” includes a receiving vessel within the meaning of Regulation 2847/93;

“Member State” means a Member State of the European Community;

“Regulation 2847/93” means Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy(1) as amended by Council Regulation (EC) No. 2870/95(2), Council Decision (EC) 95/528(3), Council Regulation (EC) 2489/96(4), Council Regulation (EC) 686/97(5), Council Regulation (EC) 2205/97(6), Council Regulation (EC) 2635/97(7) and Council Regulation (EC) 2846/98(8);

“Regulation 1489/97” means Commission Regulation (EC) No. 1489/97 laying down detailed rules for the application of Council Regulation (EEC) No. 2847/93 as regards satellite-based vessel monitoring systems(9) as corrected by Commission Regulation (EC) 435/98(10) and amended by Commission Regulation (EC) 831/99(11) and Commission Regulation (EC) 2445/99(12);

(1) OJ No. L261, 20.10.93, p. 1.
(2) OJ No. L301, 14.12.95, p. 1.
(3) OJ No. L301, 14.12.95, p. 35.
(4) OJ No. L338, 28.12.96, p. 12.
(5) OJ No. L102, 19.4.97, p. 1.
(6) OJ No. L304, 7.11.97, p. 1.
(7) OJ No. L356, 31.12.97, p. 14.
(8) OJ No. L358, 31.12.98, p. 5.
(9) OJ No. L202, 30.7.97, p. 18.
(10) OJ No. L054, 25.2.98, p. 5.
(11) OJ No. L105, 22.4.99, p. 20.
(12) OJ No. L298, 19.11.99, p. 5.

“relevant British fishing boat” means a fishing boat, other than a Scottish fishing boat, which either is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995⁽¹³⁾ or is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act;

“relevant offence” means:

- (a) an offence under Article 4 of this Order, or
- (b) an offence under any provision in an order extending to any other part of the United Kingdom made for the purposes of implementing a Community satellite monitoring measure, being a provision in respect of which, by virtue of section 30(2A) of the Fisheries Act 1981, proceedings may be commenced in any place in the United Kingdom;

“required information” means data relating to:

- (a) the fishing boat’s identification;
- (b) the most recent geographical position of the fishing boat expressed in degrees and minutes of longitude and latitude within a margin of error of less than 500 metres and within a confidence interval of 99% and
- (c) the date and time of the fixing of that position;

“satellite tracking device” means a device for sending required information to a Fisheries Monitoring Centre from a fishing boat via a satellite and land earth station;

“Scottish fishing boat” means a fishing boat which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the boat is to be treated as belonging;

“Scottish zone” has the same meaning as in the Scotland Act 1998⁽¹⁴⁾.

(2) In this Order—

- (a) the term “within relevant British Fishery Limits” does not include—
 - (i) the Scottish zone;
 - (ii) the territorial sea adjacent to Wales;
 - (iii) the territorial sea adjacent to the Isle of Man;
 - (iv) the territorial sea adjacent to Jersey; and
 - (v) seas within British fishery limits adjacent to Guernsey, as defined by section 8 of the Fishery Limits Act 1976⁽¹⁵⁾;
- (b) any reference to any relevant British fishing boat “wherever it may be” does not include such a fishing boat while in the territorial sea adjacent to Wales;
- (c) any reference to a logbook, declaration, document or required information includes, in addition to a logbook, declaration, document or required information in writing—
 - (i) any map, plan, graph or drawing,
 - (ii) any photograph,
 - (iii) any data, howsoever reproduced, received by a Fisheries Monitoring Centre from a satellite tracking device,
 - (iv) any disk, tape, sound track or other device in which sounds or other data (not being visual aids) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom, and

⁽¹³⁾ 1995, c. 21.

⁽¹⁴⁾ c. 46; see section 126 and the Scottish Adjacent Waters Boundaries Order 1999 (S.I.1999/1126).

⁽¹⁵⁾ 1976, c. 86; as modified by paragraph 3(c)(1) of the Schedule to the Fishery Limits Act 1976 (Guernsey) Order 1989 (S.I. 1989/2407).

(v) any film (including microfilm), negative, tape, disk or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom.

(3) Any reference in this Order to a Community instrument is a reference to that instrument and any amendment of such instrument in force on the date this Order is made.