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STATUTORY INSTRUMENTS

2000 No. 2008

SEA FISHERIES, ENGLAND

SEA FISHERIES, WALES

SEA FISHERIES, NORTHERN IRELAND

The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Amendment) Order 2000

Made - - - - 24th July 2000

Laid before Parliament 4th August 2000

Coming into force 1st September 2000

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with sea fishing in Scotland, Wales and Northern Ireland, in exercise of the powers conferred on them by section 30(2) of the Fisheries Act 1981(a), and of all other powers enabling them in that behalf, hereby make the following Order:

Title, commencement and interpretation

1. This Order may be cited as the Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Amendment) Order 2000 and shall come into force on 1st September 2000.

Amendment of the principal Order

2. For Schedule 1 to the Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) Order 2000(b), there shall be substituted the Schedule set out in the Schedule to this Order.

(a) 1981 c. 29; see section 30(3) for the definitions of “enforceable Community restriction”, “enforceable Community obligation” and “the Ministers”, as modified by Schedule 2, paragraph 68(5) of the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820). The functions of the Secretary of State under section 30(2) were transferred, so far as exercisable in relation to Wales (defined in section 155(1) of the Government of Wales Act 1998 (c. 38) to include the sea adjacent to Wales out as far as the seaward boundary of the territorial sea), to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Article 3(1) and Schedule 1 of the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592) provide for the functions exercisable under section 30(2) to be exercised by the Ministers, concurrently with Scottish Ministers, in relation to relevant British fishing boats within the Scottish zone and Scottish fishing boats within British fishery limits but outside the Scottish zone.

(b) S.I. 2000/827.

19th July 2000	<i>Elliot Morley</i> Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food
21st July 2000	<i>John Reid</i> Secretary of State for Scotland
24th July 2000	<i>Paul Murphy</i> Secretary of State for Wales
20th July 2000	<i>Peter Mandelson</i> Secretary of State for Northern Ireland

SCHEDULE

Article 2

“SCHEDULE 1

Article 4(1)

SPECIFIED COMMUNITY PROVISIONS APPLICABLE TO COMMUNITY
VESSELS AND MAXIMUM FINES ON SUMMARY CONVICTION

<i>Column 1 Provision of the Council Regulation</i>	<i>Column 2 Subject matter</i>	<i>Column 3 Maximum fine on summary conviction</i>
1. Article 6.1, in so far as that paragraph relates to retaining on board or landing	Prohibitions on retaining on board or landing catches from stocks for which total allowable catches or quotas are fixed and have been exhausted	£50,000
2. Article 6.1, in so far as that paragraph relates to catch composition or sorting	Prohibitions in certain circumstances on retaining on board or landing catches having a certain composition or which have been sorted	The statutory maximum
3. Article 6.2	Prohibition on landing catches which are unsorted and contain herring when the catch limitations set out in Annex II to the Council Regulation have been exhausted	£50,000
4. Article 7	Prohibition on fishing by Community vessels in certain Norwegian and Icelandic waters	£50,000
5. Article 8 and Annex IV paragraphs 2 and 6	Prohibition on landing catches containing unsorted herring in harbours where adequate sampling systems are not in place ^(a) ; prohibition on offering for sale for human consumption herring caught in the areas specified in Annex IV paragraph 6 by vessels carrying towed nets of a minimum mesh size less than 32mm and landed	The statutory maximum

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(a) That is, any harbour other than a harbour to which article 2(4) refers.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under section 30(2) of the Fisheries Act 1981, amends the Sea Fishing (Enforcement of Community Quotas and Third Country Fishing Measures) Order 2000 (S.I. 2000/827) (“the principal Order”). The principal Order extends to England and Wales and to Northern Ireland but does not extend to Scotland.

The effect of the present Order is to add to Schedule 1 to the principal Order a reference to Article 7 of Council Regulation 2742/1999 (O.J. No. L341, 31.12.99, p.1), which prohibits fishing by European Community vessels in certain Norwegian and Icelandic waters and to remedy a typographical error in paragraph 5 of that Schedule. For convenience, the whole of Schedule 1 is restated in the present Order.

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