

2019 No. 1284

SEA FISHERIES

CONSERVATION OF SEA FISH

**The Sea Fishing (Miscellaneous Amendments) Regulations
2019**

Made - - - - - *26th September 2019*

Laid before Parliament *30th September 2019*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations, in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972^(a) (“the 1972 Act”).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the 1972 Act in relation to the common agricultural policy^(b).

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for the references to Articles of the EU instruments listed in the Schedule to these Regulations to be construed as a reference to those Articles as amended from time to time.

Citation and commencement

1. These Regulations may be cited as the Sea Fishing (Miscellaneous Amendments) Regulations 2019 and come into force 21 days after the day on which the Regulations are laid.

^(a) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and by S.I. 2007/1388. The European Communities Act 1972 is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act). Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32), despite the transfer to the Welsh ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions in relation to Wales.

^(b) S.I. 1972/1811, to which there are amendments not relevant to these Regulations. It is prospectively repealed by the European Union (Withdrawal) Act 2018, section 1 from exit day (see section 20 of that Act). The designation in relation to the common agricultural policy extends to the common fisheries policy under Article 38(1) of the Treaty on the Functioning of the European Union (OJ No. C 326, 26.10.2012, p.62). Functions exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly were transferred to the Secretary of State by S.I. 2002/794.

The Scallop Fishing (England) Order 2012

2. In article 5(3) of the Scallop Fishing (England) Order 2012(a), for the words from “Annex XIII to” to the end, substitute “Annex 4 to Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures(b)”.

The Sea Fishing (Enforcement) Regulations 2018

3. For the table in the Schedule to the Sea Fishing (Enforcement) Regulations 2018(c), substitute the table in the Schedule to these Regulations.

George Eustice
Minister of State

26th September 2019

Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 3

New Table

<i>“Provision</i>	<i>Subject matter</i>
Commission Regulation (EEC) No 3440/84 on the attachment of devices to trawls, Danish seines and similar nets(d) Articles 4 to 15	Restrictions on the use of devices attached to nets
Commission Regulation (EC) No 2056/2001 establishing additional technical measures for the recovery of stocks of cod in the North Sea and to the west of the coast of Scotland(e) Article 4	Requirements relating to demersal towed nets and to catch composition
Article 5	Prohibition of the use of certain demersal towed nets and the carrying on board and use of certain beam trawls
Article 6	Prohibition of the use of certain beam trawls in specified areas
Article 7	Prohibition of the retention on board of cod in excess of a specified percentage by weight and caught by specified fixed gear
Article 8	Prohibition of the use of certain demersal towed nets in specified areas
Article 9a	Requirements on the landing of catches
Commission Regulation (EC) No 494/2002 establishing additional technical measures for the recovery of the stock of hake in ICES	

(a) S.I. 2012/2283, amended by S.I. 2019/526.

(b) OJ No L 198, 25.7.2019, p.105.

(c) S.I. 2018/849, amended by S.I. 2019/526. It is prospectively amended by S.I. 2019/746 and 753 from exit day (see section 20 of the European Union (Withdrawal) Act 2018 (c. 16)).

(d) OJ No. L 318, 7.12.1984, p.23, as last amended by Commission Regulation (EC) No 146/2007 (OJ No. L 46, 16.2.2007, p.9).

(e) OJ No. L 277, 20.10.2001, p.13, as amended by Commission Implementing Regulation (EU) 2015/1897 (OJ No. L 277, 22.10.2015, p.11).

**sub-areas III, IV, V, VI, and VII and ICES
divisions VIII a, b, d, e(a)**

Article 2

Prohibition on the retention on board of hake in excess of specified percentages of the total catch

Article 3

Prohibition of the use of certain towed nets within specified areas, and prohibition of the use of certain other towed nets

Article 4

Prohibition of the use of certain beam trawls within specified areas

**Council Regulation (EC) No 1185/2003 on
the removal of fins of sharks on board
vessels(b)**

Article 3

Prohibition of the removal or retention on board, or transshipment, landing, purchase, offer for sale or sale of shark fins

**Council Regulation (EC) No 1224/2009
establishing a Union control system for
ensuring compliance with the rules of the
common fisheries policy(c)**

Article 8

Restrictions on the marking of fishing gears

Article 20

Prohibition of transshipment at sea

Article 42

Restrictions on transshipment in port by vessels engaged in fisheries subject to a multiannual plan

Article 44

Requirements on the stowage of demersal catches subject to multiannual plans

Article 47

Restrictions on carriage of fishing gear of multiple types

Article 48

Requirements relating to the retrieval of fishing gear lost at sea

Article 49a

Requirements on the stowage of catches below the minimum conservation reference size

Article 49c

Requirements on the landing of catches below the minimum conservation reference size

Article 54a

Prohibition of the processing on board, or transshipment for processing, of fish (except for the processing or transshipment of offal or the production of surimi) to produce fish-meal, fish-oil, or similar products

**Regulation (EU) No 1380/2013 of the
European Parliament and of the Council on
the Common Fisheries Policy(d)**

Article 15(12)

Prohibition on retaining catches of species not subject to the landing obligation in Article 15(1) of Regulation (EU) No 1380/2013 which are below the minimum conservation reference

(a) OJ No. L 77, 20.3.2002, p.8, as amended by Commission Implementing Regulation (EU) 2015/1867 (OJ No. L 275, 20.10.2015, p.20).

(b) OJ No. L 167, 4.7.2003, p.1, as amended by Regulation (EU) No 605/2013 of the European Parliament and of the Council (OJ No. L 181, 29.6.2013, p.1).

(c) OJ No. L 343, 22.12.2009, p. 1, as last amended by Regulation (EU) 2019/1241 of the European Parliament and of the Council (OJ No. L 198, 25.7.2019, p.105).

(d) OJ No. L 354, 28.12.2013, p.22, as last amended by Regulation (EU) 2019/1241 of the European Parliament and of the Council (OJ No. L 198, 25.7.2019, p.105).

	size(a)
Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean(b)	
Article 19(1)	Prohibition of sport and recreational fishing of bluefin tuna without an authorisation issued by the Member State
Council Regulation (EU) 2019/124 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters(c)	
Articles 10(1), (2) and (3)	Prohibition in specified waters of the fishing (including by commercial fisheries from shore) for European sea bass and of the retention, transshipment, relocation or landing of European sea bass caught in certain areas, subject to derogations setting catch limits in specified waters for certain fishing vessels with previously recorded catches of European sea bass using specified gear
Article 10(4)	Restrictions in specified waters on the recreational fishing (including from shore) of European sea bass and the prohibition of the retention, relocation, transshipment or landing of European sea bass caught in certain areas
Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures	
Article 7	Prohibition of the use of specified gear and fishing methods
Article 8(2)	Prohibition of the transshipment, and restrictions on the retention on board or landing, of marine organisms when dredges are carried on board
Article 8(3)	Requirements relating to the mesh sizes of towed gear where more than one net is towed simultaneously by one or more fishing vessels
Article 8(4)	Prohibition of the use of devices (other than specified devices) that obstruct or diminish the mesh size of the codend or any part of a towed gear, or the carrying on board of devices specifically designed for that purpose
Article 9(1), (2) and (4)	Restrictions on the use of static nets and driftnets
Article 10(1) and (2)	Prohibition of the catching, retention on board, transshipment, landing, storage, sale, display or

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- (a) Minimum conservation reference sizes applicable to Article 15(12) are specified in Part A of Annexes 5 to 10 to Regulation (EU) 2019/1241 of the European Parliament and of the Council, applied by virtue of Article 13(1)(a) of that Regulation.
- (b) OJ No. L 252, 16.9.2016, p.1, as amended by Regulation (EU) 2019/833 of the European Parliament and of the Council (OJ No. L 141, 28.5.2019, p.1).
- (c) OJ No. L 29, 31.1.2019, p.1, as last amended by Council Regulation (EU) 2019/1097 (OJ No. L 175, 28.6.2019, p.3).

Article 13(4)

offer for sale of specified fish and shellfish
species

Requirements relating to the retention on board
and landing whole of specified species for
which a minimum conservation reference size
is established in Annexes 5, 6 or 7”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous amendments to legislation in the field of sea fisheries and sea fish conservation to reflect the repeal, amendment and replacement of certain EU instruments relating to fisheries conservation and to amend out of date references to such instruments.

Regulation 2 makes a minor amendment to the Scallop Fishing (England) Order 2012 (S.I. 2012/2283) to replace an out of date reference to Council Regulation (EC) No 850/98 (OJ No. L 125, 27.4.1998, p.1).

Regulation 3 replaces the table in the Schedule to the Sea Fishing (Enforcement) Regulations 2018 (S.I. 2018/849) which specifies the EU fisheries conservation measures in relation to which inshore fisheries and conservation officers have the enforcement powers in section 166(3) of the Marine and Coastal Access Act 2009 (c. 23). The replacement table reflects the repeal of a number of EU instruments, the amendment of Council Regulation (EC) No 1224/2009 (OJ No L 343, 22.12.2009, p.1) and the coming into force of Regulation (EU) 2019/1241 of the European Parliament and of the Council (OJ No. L 198, 25.7.2019, p.105).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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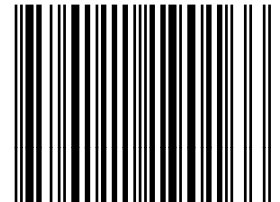
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