SCHEDULES

SCHEDULE 4

ACCESS AND LICENSING: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

LICENSING OF FISHING BOATS

Sea Fishing (Licences and Notices) (Scotland) Regulations 2011

18 (1) The Sea Fishing (Licences and Notices) (Scotland) Regulations 2011 (S.S.I. 2011/70) are amended as follows.

(2) In regulation 1 (citation, commencement, extent and application)—

(a) in paragraph (2), omit the words from "and the Scottish zone only" to the end;

(b) for paragraph (3) substitute—

"(3) These regulations apply in relation to—

(a) licences granted under section 15 of the Fisheries Act 2020 (licensing of British fishing boats) in respect of Scottish fishing boats;

(b) licences granted under section 17 of that Act (licensing of foreign fishing boats) by the Scottish Ministers; and

(c) licences granted under section 4A of the Sea Fish (Conservation) Act 1967 (licensing of vessels receiving trans-shipped fish)—

(i) in respect of Scottish fishing boats, or

(ii) by the Scottish Ministers in respect of foreign fishing boats."

(3) In regulation 2 (interpretation)—

(a) for the definition of "licence" substitute—

""licence" means a licence to which these regulations apply (see regulation 1(3));";

(b) in the definition of "nominee"—

(i) in paragraph (b) for "a member State" substitute "the United Kingdom";

(ii) in the closing words, omit "Scottish";

(c) in the definition of "Scottish fishing boat", omit "; and in respect of which the Scottish Ministers may grant or have granted a licence";

(d) for the definition of "sea fishing licence" substitute—

""sea fishing licence" means a licence to which these regulations apply by virtue of regulation 1(3)(a) or (b);";

(e) after that definition insert—

""temporary foreign vessel licence" means a licence that—

(a) is granted in respect of a foreign fishing boat, and

(b) has effect for a period of no more than three weeks."

(4) In regulation 3 (communication of licences and notices)—

(a) in paragraph (1), in the opening words—

(i) after "A licence" insert ", other than a temporary foreign vessel licence,";

(ii) for "Scottish fishing boat" substitute "fishing boat";

(b) in paragraph (1), in sub-paragraphs (a) and (b), after "charterer or" insert ", in the case of a Scottish fishing boat,";

(c) after that paragraph insert —

"(1A) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—

(a) transmitting it to the relevant person by means of an electronic communication, and

(b) subsequently publishing it on the website of the Scottish Ministers or of a person granting the licence on their behalf.

(1B) In paragraph (1A), "the relevant person", in relation to a foreign fishing boat, means—

(a) if the fishing boat is registered in a member State, the European Commission;

(b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.";

(d) in paragraph (2)—

(i) in sub-paragraph (a), at the beginning, insert "in the case of a Scottish fishing boat";

(ii) in sub-paragraph (b), omit "Scottish";

(e) in paragraphs (3) and (4), for "Scottish fishing boat" substitute "fishing boat".

(5) In regulation 4 (delivery of licences and giving of notices)—

(a) in the heading, for "Delivery" substitute "Granting";

(b) in paragraphs (1) and (2), for "delivered" substitute "granted";

(c) in paragraph (3)—

(i) after "A licence" insert ", other than a temporary foreign vessel licence,";

(ii) for "a nominee's" substitute "an";

(iii) for "delivered" substitute "granted";

(d) after paragraph (3) insert—

"(3A) In relation to a licence or notice transmitted by electronic communication at any time during January 2021, the reference in paragraph (3) to 24 hours is to be read as a reference to one hour.

(3B) A temporary foreign vessel licence communicated in accordance with regulation 3(1A) is to be treated as granted immediately it is published in accordance with that provision.";

(e) in paragraph (5) (in both places), for "delivered" substitute "granted".

(6) In regulation 5 (time at which licences and notices to have effect), in paragraph (a)—

(a) after "3(1)" insert "or (1A)";

(b) for "delivered" substitute "granted".