
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 34

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

Interpretation

2.—(1) In this Order—

“the Council Regulation” means Council Regulation (EC) No. 2742/1999(1) fixing, for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required and amending Regulation (EC) No. 66/98(2);

“Community quota measure” means a provision of the Council Regulation specified in column 1 of Schedule 1 as read with any qualifying words relating to the provision in that column and, in the case of Article 8 and Annex IV, paragraph 2 of the Council Regulation, with article 3 of this Order;

“Community third country fishing measure” means a provision of the Council Regulation specified in column 1 of Schedule 2;

“fishery product” includes fish;

“Regulation 2847/93” means Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy(3);

“relevant offence” means an offence under:

- (a) article 3; or
- (b) any provision extending to any other part of the United Kingdom made for the purposes of implementing a Community quota measure or a Community third country fishing 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;

“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995(4) and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging; and

“Scottish zone” has the same meaning as in section 126(1) of the Scotland Act 1998(5).

(2) In this Order any reference to a logbook, declaration or document includes, in addition to a logbook, declaration or document in writing—

- (a) any map, plan, graph or drawing,
- (b) any photograph,
- (c) any data, however reproduced, communicated via a satellite-based vessel monitoring system established under Article 3.1 of Regulation 2847/93;

(1) O.J. No. L341, 31.12.99, p.1.

(2) O.J. No. L6, 10.1.98, p.1.

(3) O.J. No. L261, 20.10.93, p.1, as last amended by Council Regulation (EC) No. 2846/98 (O.J. No. L358, 31.12.98, p.5).

(4) 1995 c. 21.

(5) 1998 c. 46; The sea within British fishing limits (that is, the limits set by or under section 1 of the Fishery Limits Act 1976 (c. 86) which is adjacent to Scotland as determined by the Scottish Adjacent Waters Boundaries Order 1999 (S.I.1999/1126).

- (d) any disk, tape, sound track or other device on 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
 - (e) any film (including microfilm), negative, tape, disk or other device on 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–
- (a) to a numbered article is a reference to the article so numbered in this Order;
 - (b) to a numbered Schedule is a reference to the Schedule to this Order so numbered; and
 - (c) to a numbered Article or Annex is a reference to the Article or Annex so numbered in the Council Regulation.
- (4) Column 2 of Schedule 1 (which provides in relation to each Community quota measure an indication of the subject matter of the measure) shall not be read as limiting the scope of any Community quota measure and shall be disregarded in relation to any question arising as to the construction of this Order.
- (5) Column 2 of Schedule 2 (which provides in relation to each Community third country fishing measure an indication of the subject matter of the measure) shall not be read as limiting the scope of any Community third country fishing measure and shall be disregarded in relation to any question arising as to the construction of this Order.