
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 448

**The Sea Fishing (Enforcement of Community
Satellite Monitoring Measures) (Scotland)
Order 2000 Amendment Regulations 2001**

Amendment of the Order

5. In article 3 (satellite tracking of Scottish and relevant British fishing boats)—
- (a) in paragraph (3), for sub-paragraph (b) there is substituted—
 - “(b) subject to paragraphs (4) and (6) below, be maintained fully operational.”;
 - (b) for paragraphs (4) and (5) there are substituted the following paragraphs:—
 - “(4) Without limiting the generality of paragraph (3)(b) above, a satellite tracking device shall not be regarded as fully operational for the purposes of that paragraph during any time when it is failing to operate in accordance with paragraph (5) below.
 - (5) A satellite tracking device installed on a fishing boat to which this article applies shall transmit the required information, in the format prescribed by Annex II to Regulation 1489/97, to a Fisheries Monitoring Centre—
 - (a) where the satellite tracking device is capable of being polled—
 - (i) at least every two hours; or
 - (ii) in a case for which a longer maximum interval is specified in Annex I to Regulation 1489/97, at intervals no longer than that maximum; or
 - (b) where the satellite tracking device is not capable of being polled, at least hourly.
 - (6) Neither of the following circumstances shall be treated as giving rise to a breach of the requirement in paragraph (3)(b) above—
 - (a) where the device is switched off under the conditions permitted by Annex I to Regulation 1489/97 (stay in port of more than 48 hours, provided the next report is from the same position as the previous one);
 - (b) where the device is subject to a technical failure or non-function within the meaning of Article 6.2 of Regulation 1489/97 during a time when the fishing boat is either in port or in the course of a fishing trip authorised by that Article.
 - (7) Throughout any time when—
 - (a) a Scottish fishing boat or a relevant British fishing boat to which this article applies is not in port; and
 - (b) the satellite tracking device installed on the boat is failing for any reason to operate in accordance with paragraph (5) above,

the required information shall be communicated to the Fisheries Monitoring Centre of the United Kingdom by one of the means specified in 6.1 of Regulation 1489/97 Article at least every two hours.

(8) Paragraph (7) above is without prejudice to Article 6.1 of Regulation 1489/97 (requirement to communicate information to flag state and, if appropriate, coastal state monitoring centres by other means at least every 24 hours).”.