
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 102

**The Sea Fishing (Control Procedures for Herring,
Mackerel and Horse Mackerel) (Scotland) Order 2008**

Admissibility in evidence of logbooks and other documents

16.—(1) Any—

- (a) logbook kept under Article 6, 17.2 or 28c;
- (b) declaration submitted under Article 8.1, 11, 12, 17.2 or 28f;
- (c) effort report completed under Articles 19b and 19c;
- (d) sales note submitted under Article 9;
- (e) document drawn up under Article 13; or
- (f) document containing required information received by a fisheries monitoring centre established under Article 3.7,

of Regulation 2847/93(1) shall, in any proceedings for an offence under article 7, or any equivalent provision extending to any other part of the United Kingdom made for the purposes of implementing a specified Community provision, be received in evidence without being produced or sworn to by any witness and shall, unless the contrary is shown, be conclusive evidence as to the matters stated therein.

(2) For the purposes of paragraph (1), “required information” shall mean data relating to—

- (a) a fishing boat’s identification;
- (b) the most recent geographical position of the fishing boat expressed in degrees and minutes of longitude and latitude; and
- (c) the date and time of the fixing of that position,

as communicated via a satellite based vessel monitoring system established under Article 3.1 of Regulation 2847/93.

(3) Any logbook, declaration, report or other document kept on board or held in pursuance of any enforceable Community obligation shall, in any proceedings for an offence under article 7, or under any equivalent provision extending to any other part of the United Kingdom made for the purposes of implementing a specified Community provision, proceedings in respect of which were brought in Scotland by virtue of section 30(2A) of the Fisheries Act 1981(2), be received in evidence without being produced or sworn to by any witness and shall, unless the contrary is shown, be conclusive evidence as to the matters stated therein.

(4) In this article “enforceable Community obligation” means an obligation to which section 2(1) of the European Communities Act 1972(3) applies.

(1) O.J. No. L 261, 20.10.93, p.1.

(2) 1981 c. 29; section 30(2A) was inserted by S.I.1999/1820.

(3) 1972 c. 68.