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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 102**

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

**Interpretation**

**2.—(1)** In this Order—

“authorised officer” means a person authorised by the Scottish Ministers for the purpose of article 3(1);

“Community fishing boat” means a fishing boat flying the flag of and registered in a Member State of the European Community;

“the Commission Regulation” means Commission Regulation (EC) No 1542/2007 of 20th December 2007 on landing and weighing procedures for herring, mackerel and horse mackerel;

“fishery product” includes fish;

“pelagic weighing system” means any system used to weigh herring, mackerel or horse mackerel for the purposes of the Commission Regulation;

“Regulation 2847/93” means Council Regulation (EEC) No. 2847/93 of 12th October 1993 establishing a control system applicable to the common fisheries policy(1);

“relevant offence” means an offence under—

- (a) article 3(5), (6) or (7), or 4(4), or 6(4), or 7; or
- (b) any provision extending to any other part of the United Kingdom made for the purposes of implementing a specified Community provision being a provision in respect of which, by virtue of section 30(2A) of the Fisheries Act 1981(2), proceedings may be commenced in any place in the United Kingdom;

“Scotland” has the same meaning as in section 126(1) of the Scotland Act 1998(3);

“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;

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

“specified Community provision” means a provision of the Commission Regulation specified in column 1 of the Schedule as read with any qualifying words relating to the provision in that column; and

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(1) O.J. No. L 261, 20.10.93, p.1 as amended by Council Regulation (EC) No. 2870/95, O.J. No. L 301, 14.12.95, p.1; Council Decision (EC) No. 95/524, O.J. No. L 301, 14.12.95, p.35; Council Regulation (EC) No. 2489/96, O.J. No. L 338, 28.12.96, p.12; Council Regulation (EC) No. 686/97, O.J. No. L 102, 19.4.97, p.1; Commission Regulation (EC) No. 1489/97, O.J. No. L 202, 30.7.97, p.18; Council Regulation (EC) No. 2205/97, O.J. No. L 304, 7.11.97, p.1; Council Regulation (EC) No. 2635/97, O.J. No. L 356, 31.12.97, p.14; Council Regulation (EC) No. 2846/98, O.J. No. L 358, 31.12.98, p.5; Council Regulation (EC) No. 806/2003, O.J. No. L 122, 16.5.03, p.1; Council Regulation (EC) No. 1954/2003 O.J. No. L 289, 7.11.03, p.1; and Council Regulation (EC) No. 768/2005 O.J. No. L 128, 21.5.05, p.1.

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

(3) 1998 c. 46.

(4) 1995 c. 21.

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

“third country fishing boat” means a fishing boat flying the flag of and registered in a State other than a Member State.

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

- (a) map, plan, graph or drawing;
- (b) photograph;
- (c) data, however reproduced, communicated via a satellite based vessel monitoring system established under Article 3.1 of Regulation 2847/93;
- (d) 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) film (including microfilm), negative, tape, disk or other device on which one or more visual images are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom.

(3) In this Order, any reference to a—

- (a) numbered article is a reference to the article so numbered in this Order;
- (b) numbered paragraph is a reference to the paragraph so numbered in the article in which it appears in this Order;
- (c) Schedule is a reference to the Schedule to this Order; and
- (d) numbered Article or Annex is, except where otherwise indicated, a reference to the Article or Annex so numbered in the Commission Regulation.

(4) Column 2 of the Schedule (which provides in relation to each specified Community provision an indication of the subject matter of the provision) shall not be read as limiting the scope of any specified Community provision and shall be disregarded in relation to any question arising as to the construction of this Order.

(5) Any reference in this Order to the Commission Regulation is a reference to that Regulation as amended from time to time.