
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 320

The Sea Fishing (EU Control Measures) (Scotland) Order 2015

PART 1

GENERAL PROVISIONS

Citation, commencement and extent

1.—(1) This Order may be cited as the Sea Fishing (EU Control Measures) (Scotland) Order 2015 and comes into force on 5th October 2015.

(2) Subject to paragraph (3), this Order extends to Scotland and the Scottish zone only.

(3) So far as this Order extends beyond Scotland and the Scottish zone, it does so only as a matter of Scots law.

(4) Nothing in paragraph (2) is to be treated as prejudicing the effect of section 30(2A) of the Fisheries Act 1981 ^{M1} in the rest of the United Kingdom in relation to, or for purposes incidental to, any provision which creates an offence.

Marginal Citations

M1 [Section 30\(2A\)](#) was inserted by paragraph 68(5)(a) of Schedule 2 to [S.I. 1999/1820](#).

Interpretation

2.—(1) In this Order—

“British sea-fishery officer” has the same meaning as in section 7 of the Sea Fisheries Act 1968 ^{M2};

[^{F1}“control measure” means a requirement contained in a provision of the Control Regulation or Implementing Regulation, as read with any qualifying or supplementary provision in [^{F2}assimilated] law (within the meaning of section 6(7) of the European Union (Withdrawal) Act 2018);]

“Control Regulation” means Council Regulation [\(EC\) No 1224/2009](#) establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations [\(EC\) No 847/96](#), [\(EC\) No 2371/2002](#), [\(EC\) No 811/2004](#), [\(EC\) No 768/2005](#), [\(EC\) No 2115/2005](#), [\(EC\) No 2166/2005](#), [\(EC\) No 388/2006](#), [\(EC\) No 509/2007](#), [\(EC\) No 676/2007](#), [\(EC\) No 1098/2007](#), [\(EC\) No 1300/2008](#), [\(EC\) No 1342/2008](#) and repealing Regulations [\(EEC\) No 2847/93](#), [\(EC\) No 1627/94](#) and [\(EC\) No 1966/2006](#)^{M3}, as amended from time to time;

“equivalent provision” means any provision in any other order made under section 30(2) of the Fisheries Act 1981 or any other order, regulations, rules or scheme made under section 2(2) of the European Communities Act 1972 for the purpose of implementing any [^{F3}control] measure or [^{F4}third country] control measure—

- (a) which extends to any part of the United Kingdom and has equivalent effect to a provision in this Order; and
- (b) proceedings in respect of which may be commenced in any place in the United Kingdom by virtue of section 30(2A) of the Fisheries Act 1981;

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“first sale fisheries product” means a fisheries product (other than farmed fish) which is being sold for the first time;

“fisheries product” includes fish which is landed from a fishing boat;

“Implementing Regulation” means Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy ^{M4}, as amended from time to time;

“licensed fishing boat” means a fishing boat in respect of which a licence has been issued under section 4 of the Sea Fish (Conservation) Act 1967 ^{M5} or under similar provisions by another Member State or by another country;

“PLN number” means a fishing boat's port number and register number within the meaning of regulation 31 of the Merchant Shipping (Registration of Ships) Regulations 1993 ^{M6};

[^{F9}“recording and reporting requirement” means any requirement under the Control Regulation or the Implementing Regulation to record, keep, notify, submit, transmit or communicate any information or document;]

“registered auction” means a centre or site registered or designated by the Scottish Ministers in accordance with article 10, at which fisheries products are marketed for sale by competitive bidding;

“registered buyer of fisheries products” means a person who is registered by the Scottish Ministers in accordance with article 6 (and includes an agent who buys fisheries products on behalf of that person);

“registered seller of fisheries products” means a person who is registered by the Scottish Ministers in accordance with article 8 (and includes an agent who sells fisheries products on behalf of that person);

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“relevant offence” means an offence under any provision of this Order except article 21(2), or under any equivalent provision extending to any other part of the United Kingdom, proceedings in respect of which were brought in Scotland by virtue of section 30(2A) of the Fisheries Act 1981;

“Scotland” and “the Scottish zone” have the same meaning as in section 126(1) of the Scotland Act 1998 ^{M7};

“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 ^{M8} 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

[^{F12}“third country” means any country other than [^{F13}the United Kingdom].]

[^{F14}“third country control measure” means a provision of ^{F15}... the Control Regulation, relating to third country fishing boats, as read with any qualifying or supplementary provision in [^{F16}assimilated] law (within the meaning of section 6(7) of the European Union (Withdrawal) Act 2018), and in particular—

- (a) ^{F17}...
- (b) Article 9(6) of the Control Regulation,
- (c) Article 14(8) of the Control Regulation,
- (d) Article 50(4) and (5) of the Control Regulation;]

[^{F18}“third country fishing boat” means a fishing vessel as defined in Article 4 of the Control Regulation, which flies the flag of, or is registered in, a third country.]

- (2) In this Order, except where otherwise indicated, any reference to—
 - (a) a numbered article is a reference to the article so numbered in this Order;
 - (b) a numbered paragraph is a reference to the paragraph so numbered in the article in which it appears in this Order; and
 - (c) a numbered Part is a reference to the Part so numbered in this Order.
- (3) For the purposes of 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 9 of the Control Regulation;
 - (d) data, however reproduced, communicated to a fisheries monitoring centre established under Article 9(7) of the Control Regulation;
 - (e) disk, tape, sound track or other device on which sounds or other data (not being visual images) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced; and
 - (f) 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.
- (4) Any information provided to any authority for the purpose of any provision of this Order is to be treated as also provided for the purpose of any equivalent provision.
- (5) Expressions used in this Order that appear in the Control Regulation or Implementing Regulation and which are not defined in this Order, have the same meaning in this Order as in those Regulations.
- (6) In this Order, a reference to anything done in writing includes an electronic communication as defined in section 15(1) of the Electronic Communications Act 2000 ^{M9} which has been recorded and is consequently capable of being reproduced.

Textual Amendments

- F1** Words in [art. 2\(1\)](#) inserted (31.12.2020) by [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/24\)](#), regs. 1(2)(b), **13(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in [art. 2\(1\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 2 para. 28(2)**

- F3** Word in art. 2(1) substituted (31.12.2020) by The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(b), **13(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in art. 2(1) substituted (31.12.2020) by The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(b), **13(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in art. 2(1) omitted (31.12.2020) by virtue of The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(b), **13(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in art. 2(1) omitted (31.12.2020) by virtue of The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(b), **13(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in art. 2(1) omitted (31.12.2020) by virtue of The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(b), **13(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in art. 2(1) omitted (31.12.2020) by virtue of The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(b), **13(2)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in art. 2(1) inserted (31.12.2020) by The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(b), **13(2)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in art. 2(1) omitted (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 16(2)(a)** (with s. 50, Sch. 4 para. 31)
- F11** Words in art. 2(1) omitted (28.3.2019) by virtue of The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(a), **6(2)(c)**
- F12** Words in art. 2(1) inserted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(a), **6(2)(d)**
- F13** Words in art. 2(1) substituted (31.12.2020) by The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(b), **13(2)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in art. 2(1) inserted (31.12.2020) by The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(b), **13(2)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in art. 2(1) omitted (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 16(2)(b)(i)** (with s. 50, Sch. 4 para. 31)
- F16** Word in art. 2(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 2 para. 28(3)**
- F17** Words in art. 2(1) omitted (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 16(2)(b)(ii)** (with s. 50, Sch. 4 para. 31)
- F18** Words in art. 2(1) substituted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24), regs. 1(2)(a), **6(2)(e)**

Marginal Citations

- M2** 1968 c.77; section 7 is relevantly amended by paragraph 48(3) of Schedule 2 to S.I. 1999/1820, **section 46(2)** of the 1981 Act and section 239 and Part 6 of Schedule 22 to the Marine and Coastal Access Act 2009 (c.23).
- M3** OJ L 343, 22.12.2009, p.1, as last amended by Regulation (EU) 2015/812 (OJ L 133, 29.5.2015, p.1). The Control Regulation replaces Regulation (EEC) No 2847/93 (OJ L 261, 20.10.1993, p.1), although some of its provisions came into force in stages (either on specific dates or pending implementation of EU detailed rules).
- M4** OJ L 112, 30.4.2011, p.1, as corrected by a corrigendum (OJ L 328, 10.12.2011, p.58).
- M5** 1967 c.84. Section 4 was amended by paragraph 3(a) of schedule 1 to the Aquaculture and Fisheries (Scotland) Act 2007 (asp 12), **section 4(6)** of the Marine and Coastal Access Act 2009 (c.23), and section 158 of the Marine (Scotland) Act 2010 (asp 5).
- M6** S.I. 1993/3138. Regulation 31 was amended by S.I. 1999/3206, **regulation 7**.
- M7** 1998 c.46. 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 S.I. 1999/1126.
- M8** 1995 c.21.
- M9** 2000 c.7. Section 15(1) was amended by the Communications Act 2003 (c.21), **section 406** and Schedule 17, paragraph 158.

Competent authority

3. The Scottish Ministers are—
- (a) the competent authority responsible for the fisheries monitoring centre under Article 9(8) of the Control Regulation for Scottish fishing boats and ^{F19}... third country fishing boats in Scotland or the Scottish zone; and
 - (b) the competent national authority for the purposes of Article 125 of the Implementing Regulation for Scottish fishing boats.

Textual Amendments

- F19** Words in art. 3(a) omitted (31.12.2020) by virtue of [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/24\)](#), regs. 1(2)(b), **13(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Sea Fishing (EU Control Measures) (Scotland) Order 2015, PART 1.