

SCHEDULES

SCHEDULE 4

ACCESS AND LICENSING: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

LICENSING OF FISHING BOATS

Sea Fishing (Licences and Notices) (Scotland) Regulations 2011

- 18 (1) The Sea Fishing (Licences and Notices) (Scotland) Regulations 2011 ([S.S.I. 2011/70](#)) are amended as follows.
- (2) In regulation 1 (citation, commencement, extent and application)—
- (a) in paragraph (2), omit the words from “and the Scottish zone only” to the end;
 - (b) for paragraph (3) substitute—
“(3) These regulations apply in relation to—
 - (a) licences granted under section 15 of the Fisheries Act 2020 (licensing of British fishing boats) in respect of Scottish fishing boats;
 - (b) licences granted under section 17 of that Act (licensing of foreign fishing boats) by the Scottish Ministers; and
 - (c) licences granted under section 4A of the Sea Fish (Conservation) Act 1967 (licensing of vessels receiving trans-shipped fish)—
 - (i) in respect of Scottish fishing boats, or
 - (ii) by the Scottish Ministers in respect of foreign fishing boats.”
- (3) In regulation 2 (interpretation)—
- (a) for the definition of “licence” substitute—
““licence” means a licence to which these regulations apply (see regulation 1(3));”;
 - (b) in the definition of “nominee”—
 - (i) in paragraph (b) for “a member State” substitute “the United Kingdom”;
 - (ii) in the closing words, omit “Scottish”;
 - (c) in the definition of “Scottish fishing boat”, omit “; and in respect of which the Scottish Ministers may grant or have granted a licence”;
 - (d) for the definition of “sea fishing licence” substitute—

Status: This is the original version (as it was originally enacted).

““sea fishing licence” means a licence to which these regulations apply by virtue of regulation 1(3)(a) or (b);”;

(e) after that definition insert—

““temporary foreign vessel licence” means a licence that—

- (a) is granted in respect of a foreign fishing boat, and
- (b) has effect for a period of no more than three weeks.”

(4) In regulation 3 (communication of licences and notices)—

(a) in paragraph (1), in the opening words—

(i) after “A licence” insert “, other than a temporary foreign vessel licence,”;

(ii) for “Scottish fishing boat” substitute “fishing boat”;

(b) in paragraph (1), in sub-paragraphs (a) and (b), after “charterer or” insert “, in the case of a Scottish fishing boat,”;

(c) after that paragraph insert —

“(1A) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—

- (a) transmitting it to the relevant person by means of an electronic communication, and
- (b) subsequently publishing it on the website of the Scottish Ministers or of a person granting the licence on their behalf.

(1B) In paragraph (1A), “the relevant person”, in relation to a foreign fishing boat, means—

- (a) if the fishing boat is registered in a member State, the European Commission;
- (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”;

(d) in paragraph (2)—

(i) in sub-paragraph (a), at the beginning, insert “in the case of a Scottish fishing boat”;

(ii) in sub-paragraph (b), omit “Scottish”;

(e) in paragraphs (3) and (4), for “Scottish fishing boat” substitute “fishing boat”.

(5) In regulation 4 (delivery of licences and giving of notices)—

(a) in the heading, for “Delivery” substitute “Granting”;

(b) in paragraphs (1) and (2), for “delivered” substitute “granted”;

(c) in paragraph (3)—

(i) after “A licence” insert “, other than a temporary foreign vessel licence,”;

(ii) for “a nominee’s” substitute “an”;

(iii) for “delivered” substitute “granted”;

(d) after paragraph (3) insert—

“(3A) In relation to a licence or notice transmitted by electronic communication at any time during January 2021, the reference in paragraph (3) to 24 hours is to be read as a reference to one hour.

(3B) A temporary foreign vessel licence communicated in accordance with regulation 3(1A) is to be treated as granted immediately it is published in accordance with that provision.”;

(e) in paragraph (5) (in both places), for “delivered” substitute “granted”.

(6) In regulation 5 (time at which licences and notices to have effect), in paragraph (a)—

(a) after “3(1)” insert “or (1A)”;

(b) for “delivered” substitute “granted”.