
STATUTORY INSTRUMENTS

2000 No. 827

**The Sea Fishing (Enforcement of Community Quota
and Third Country Fishing Measures) Order 2000**

Interpretation

2.—(1) In this Order—

“the Council Regulation” means Council Regulation (EC) No. 2742/1999 fixing for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required and amending Regulation (EC) No. 66/98(1);

“Council Regulation 2847/93” means Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy(2), as amended by Council Regulation (EC) No. 2870/95(3), Council Decision (EC) 95/528(4), Council Regulation (EC) 2489/96(5), Council Regulation (EC) 686/97(6), Council Regulation (EC) 2205/97(7), Council Regulation (EC) 2635/97(8) and Council Regulation (EC) 2846/98(9);

“relevant British fishing boat” means a fishing boat, other than a Scottish fishing boat, which is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995(10) or is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act;

“relevant offence” means an offence under:

- (a) article 3; or
- (b) any provision in an order 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, proceedings may be commenced in any place in the United Kingdom;

“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 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 the Scotland Act 1998(11);

“specified Community provision” means a provision of the Council Regulation specified in column 1 of Schedules 1 and 2 as read with any qualifying words relating to that provision in that column; and

(1) OJ No. L341, 31.12.99, p.1.

(2) OJ No. L261, 20.10.93, p.1.

(3) OJ No. L301, 14.12.95, p.1.

(4) OJ No. L301, 14.12.95, p.35.

(5) OJ No. L338, 28.12.96, p.12.

(6) OJ No. L102, 19.4.97, p.1.

(7) OJ No. L304, 7.11.97, p.1.

(8) OJ No. L356, 31.12.97, p.14.

(9) OJ No. L358, 31.12.98, p.5.

(10) 1995 c. 21.

(11) 1998 c. 46; see section 126 and 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 of the European Community.

(2) In this Order—

- (a) the term “within relevant British fishery limits” does not include—
 - (i) the Scottish zone;
 - (ii) the territorial sea adjacent to Wales;
 - (iii) the territorial sea adjacent to the Isle of Man;
 - (iv) the territorial sea adjacent to Jersey; and
 - (v) seas within British Fishery Limits adjacent to Guernsey, as defined by section 8 of the Fishery Limits Act 1976⁽¹²⁾;
- (b) any reference to any relevant British fishing boat “wherever it may be” does not include such a fishing boat while in the territorial sea adjacent to Wales;
- (c) any reference to a logbook, declaration or document includes, in addition to a logbook, declaration or document in writing—
 - (i) any map, plan, graph or drawing,
 - (ii) any photograph,
 - (iii) any data, howsoever reproduced, communicated via a satellite-based vessel monitoring system established under Article 3.1 of Council Regulation 2847/93,
 - (iv) any disk, tape, sound track or other device in 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
 - (v) any film (including microfilm), negative, tape, disk or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom.

(3) In this Order—

- (a) any reference to a Community instrument is a reference to that instrument as amended on the date this Order is made; and
- (b) any reference to a Schedule or to an article shall be construed as a reference respectively to a Schedule to this Order or an article in this Order.

(4) For the purpose of the prohibition contained in paragraph 2 of Annex IV to the Council Regulation—

- (a) the harbours at which a fishing boat may land a catch of fish containing unsorted herring are those within relevant British fishery limits whose sampling systems a British sea-fishery officer at that harbour decides are adequate for that purpose;
- (b) in making such a decision, a British sea fishery officer shall have regard to the overall size and characteristics of a catch;
- (c) a British sea-fishery officer may only make such a decision following an application by the master of a fishing boat to a British sea-fishery officer at that harbour before the landing of a catch, and
- (d) a British sea-fishery officer shall notify the master of a fishing boat of any such decision.

⁽¹²⁾ 1976 c. 86; section 8 as it extends to Guernsey was modified by paragraph 3(c)(1) of the Schedule to the Fishery Limits Act 1976 (Guernsey) Order 1989 (S.I. 1989/2407).