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## STATUTORY INSTRUMENTS

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### 2009 No. 3391

## The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009

### Offences under the Council Regulation

9.—(1) It is an offence for the person in charge of a third country fishing vessel to enter port without authorisation under Article 7 of the Council Regulation.

(2) It is an offence for the person in charge of a fishing vessel to conduct a transhipment with a third country fishing vessel contrary to Article 4(3) of the Council Regulation.

(3) It is an offence to import fishery products without a validated catch certificate pursuant to Article 12 of the Council Regulation.

[<sup>F1</sup>(4) It is an offence for a person to engage in fishing for a stock in any area where, under the conservation and management measures (within the meaning of the Council Regulation) applicable in that area, such fishing is subject to a moratorium or is prohibited.]

(5) It is an offence for a person to tranship fish or fishery products between, or participate in joint fishing operations with, a fishing vessel that—

- (a) has engaged in IUU fishing;
- (b) is on the [<sup>F2</sup>United Kingdom] IUU vessel list; or
- (c) is on an IUU vessel list of a regional fisheries management organisation.

(6) In relation to a fishing vessel on the [<sup>F3</sup>United Kingdom] IUU vessel list, it is an offence for a person—

- (a) to enter into an agreement to operate or beneficially own it;
- (b) to furnish it with any supplies, gear or people; or
- (c) to engage in employment on it.

[<sup>F4</sup>(6A) In relation to a non-cooperating third country listed on a list established under Article 33 of the Council Regulation, it is an offence for a person—

- (a) to import fishery products caught by a fishing vessel flying the flag of the third country unless the products are from stock or species to which the listing does not apply;
- (b) to purchase a fishing vessel flying the flag of the third country;
- (c) to reflag a [<sup>F5</sup>United Kingdom fishing vessel] so that it flies the flag of the third country;
- (d) to enter into a charter agreement with the third country <sup>F6</sup>...;
- (e) to export a [<sup>F7</sup>United Kingdom] fishing vessel to the third country;
- (f) to enter into an agreement for a [<sup>F8</sup>United Kingdom fishing vessel] to use the fishing possibilities of the third country; or
- (g) to participate in joint fishing operations with a fishing vessel flying the flag of the third country.]

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(7) It is an offence for a person to conduct business directly connected to IUU fishing, within the meaning of Article 42(1)(b) of the Council Regulation,

(8) It is an offence for a person to falsify, or use falsified, documents contrary to Article 42(1)(c) of the Council Regulation.

(9) It is an offence for a person, knowing a consignment to be a controlled consignment, to move it or cause it to be moved otherwise than in accordance with the written consent of an authorised officer.

(10) It is an offence for a person to disclose information received from the Commissioners contrary to article 19(3) of this Order.

(11) In paragraphs (1) and (2), the “person in charge” of a fishing vessel means the owner, master, charterer (if any) or their agents.

[<sup>F9</sup>(12) Paragraph (6A)(e) is an “equivalent provision” for the purposes of—

- (a) the Sea Fishing (Illegal, Unreported and Unregulated Fishing) (Scotland) Order 2013; and
- (b) the Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order (Northern Ireland) 2018.]

#### Textual Amendments

- F1** Art. 9(4) substituted (18.6.2018) by [The Sea Fishing \(Miscellaneous Amendments\) Regulations 2018](#) (S.I. 2018/643), regs. 1(1), **5(2)**
- F2** Words in art. 9(5)(b) substituted (31.12.2020) by [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/746), regs. 1, **9(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in art. 9(6) substituted (31.12.2020) by [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/746), regs. 1, **9(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 9(6A) inserted (18.6.2018) by [The Sea Fishing \(Miscellaneous Amendments\) Regulations 2018](#) (S.I. 2018/643), regs. 1(1), **5(3)**
- F5** Words in art. 9(6A)(c) substituted (31.12.2020) by [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/746), regs. 1, **9(3)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in art. 9(6A)(d) omitted (31.12.2020) by virtue of [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/746), regs. 1, **9(3)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in art. 9(6A)(e) substituted (31.12.2020) by [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/746), regs. 1, **9(3)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in art. 9(6A)(f) substituted (31.12.2020) by [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/746), regs. 1, **9(3)(b)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 9(12) inserted (18.6.2018) by [The Sea Fishing \(Miscellaneous Amendments\) Regulations 2018](#) (S.I. 2018/643), regs. 1(1), **5(4)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)