SCOTTISH STATUTORY INSTRUMENTS

2004 No. 81

SEA FISHERIES

The Sea Fishing (Restriction on Days at Sea) (Scotland) Amendment Order 2004

Made - - - - 2nd March 2004
Laid before the Scottish Parliament - - - - 3rd March 2004
Coming into force in accordance with article 1

The Scottish Ministers, in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Sea Fishing (Restriction on Days at Sea) (Scotland) Amendment Order 2004 and shall come into force at 6 p.m. on 2nd March 2004.

Amendment of the Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2004

2.—(1) The Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2004(**2**) is amended as follows.

(2) In article 6 (use of regulated gear)–

(a) for paragraph (4) substitute–

"(4) A relevant fishing boat or a foreign fishing boat which is present in the cod recovery zone carrying on board regulated gear falling within one of the groupings of fishing gears specified in paragraph 4 of Annex V shall not simultaneously carry on board regulated gear falling within any of the other groupings of fishing gear specified in paragraph 4 of Annex V."; and

(b) in paragraph (5), after "boat" insert "or a foreign fishing boat".

(3) For article 13 (maintenance of logbook) substitute–

(**1**) 1981 c. 29; relevant modifications are contained in the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I.1999/1748), article 5 and the Scotland Act 1998 (Modifications of Functions) Order 1999 (S.I. 1999/1756) articles 3, 5 and 6. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). See section 30(3) for a definition of "the Ministers". Section 30(2) has effect in relation to Scotland as modified by section 30(5). Section 30(5) was inserted by the Scotland Act 1999 (Consequential Modifications) (No. 2) Order (S.I. 1999/1820), Schedule 2, paragraph 68.

(**2**) S.S.I. 2004/44.