SCOTTISH STATUTORY INSTRUMENTS

2002 No. 81

SEA FISHERIES

The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Amendment Order 2002

Made - - - -	*4th March 2002*
Laid before the Scottish Parliament - - - -	*5th March 2002*
Coming into force - -	*26th March 2002*

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, commencement and interpretation

1.—(1) This Order may be cited as the Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Amendment Order 2002 and shall come into force on 26th March 2002.

(2) In this Order "the principal Order" means the Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000(**2**).

Amendment of the principal Order

2. In article 2 (interpretation) of the principal Order–

(a) for the definition of "the Council Regulation" there is substituted–

> ""the Council Regulation" means Council Regulation (EC) No. 850/98 for the conservation of fishery resources through technical resources for the protection of juveniles of marine organisms(**3**) as corrected by Corrigendum to Annex XII of the Council Regulation(**4**) and amended by Council Regulation (EC)

(**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 (Modification 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) of the 1981 Act for definitions of "enforceable Community restriction", "enforceable Community obligation" and "the Ministers". Section 30 has effect in relation to Scotland as modified by section 30(5) which was inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 68(5)(b).

(**2**) S.S.I. 2000/53.

(**3**) O.J. No. L 125, 27.4.98, p.1.

(**4**) O.J. No. L 318, 27.11.98, p.63.

No. 308/1999(**5**), Council Regulation (EC) No. 1459/99(**6**), Council Regulation (EC) No. 2723/99(**7**), Council Regulation (EC) No. 812/2000(**8**), Council Regulation No. 1298/2000(**9**) and Council Regulation (EC) No. 724/2001(**10**);";

(b) for the definition of "Community conservation measure" there is substituted–

""Community conservation measure" means a measure provided by–

(i) Regulation 894/97(**11**);

(ii) Regulation 2549/2000(**12**);

(iii) Regulation 2056/2001(**13**); or

(iv) the Council Regulation;

and which is specified in column 1 of the Schedule, as read with any related provision mentioned in the entry in respect of such measure in column 1 of the Schedule;" and

(c) after the definition of "Regulation 894/97" there is inserted–

""Regulation 2549/2000" means Council Regulation (EC) No. 2549/2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa) as amended by Council Regulation (EC) No. 1456/2001(**14**);

"Regulation 2056/2001" means Commission Regulation (EC) No. 2056/2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the West of Scotland;

"Regulation 254/2002" means Council Regulation (EC) No. 254/2002(**15**) establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish sea (ICES Division VIIa);".

3. In Part II of the Schedule (the Council Regulation) to the principal Order–

(a) after paragraph 6 there is inserted the following entry:–

6A.	Article 10	Prohibition on transhipment and landing or retaining on board, of marine organisms where dredges are carried, except where the quantity of marine organisms landed or retained on board consists of at least 95% bivalve molluscs.	The statutory maximum

(b) for the entry in column 2 of paragraph 12, there is substituted–

(**5**) O.J. No. L 038, 12.2.99, p.6.
(**6**) O.J. No. L 168, 3.7.99, p.1.
(**7**) O.J. No. L 328, 22.12.99, p.9.
(**8**) O.J. No. L 100, 20.4.00, p.3.
(**9**) O.J. No. L 148, 22.6.00, p.1.
(**10**) O.J. No. L 102, 12.4.01, p.16.
(**11**) O.J. No. L 132, 23.5.97, p.1.
(**12**) O.J. No. L 292, 21.11.00, p.5.
(**13**) O.J. No. L 277, 20.10.01, p.1.
(**14**) O.J. No. L 194, 18.7.01, p.1.
(**15**) O.J. No. L 41, 13.2.02, p.1.

"Prohibition on the retention and landing of detached crab claws, subject to a maximum percentage for catches made by pots or creels and a maximum weight for catches made by any other fishing gear."; and

(c) after paragraph 25 there is inserted the following entry:–

25A. Article 29	Prohibition during 2002 of the retention on board or landing of sand eels caught within a specified area.	£50,000

4. After Part II of the Schedule to the principal Order there is inserted Parts III and IV set out in the Schedule to this Order.

St Andrew's House,
Edinburgh
4th March 2002

ROSS FINNIE
A member of the Scottish Executive