STATUTORY RULES OF NORTHERN IRELAND

2010 No. 168

SEA FISHERIES

The Sea Fishing (Enforcement of Community Control Measures) (Amendment) Order (Northern Ireland) 2010

Made - - - -	*29th April 2010*
Coming into operation	*31st May 2010*

The Department of Agriculture and Rural Development (the Department) makes the following Order, in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981(**1**) and now vested in it (**2**), and paragraph 1A of Schedule 2 of the European Communities Act 1972(**3**).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(**4**) and it appears to the Department that it is expedient for the references to Council Regulation (EC) No 1966/2006(**5**) (on electronic recording and reporting of fishing activities and on means of remote sensing) and Commission Regulation (EC) No 1077/2008(**6**) (laying down detailed rules for the implementation of Council Regulation (EC) No 1966/2006 and repealing Regulation (EC) No 1566/2007(**7**)) to be construed as references to those instruments as amended from time to time.

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Sea Fishing (Enforcement of Community Control Measures) (Amendment) Order (Northern Ireland) 2010 and comes into operation on 31st May 2010.

(2) Subject to paragraph (3), this Order shall not form part of the law of England, Scotland or Wales.

(3) Nothing in paragraph (2) shall be treated as prejudicing in the rest of the United Kingdom the effect of section 30(2A)(**8**) of the Fisheries Act 1981 in relation to, or for purposes incidental to, any provision which creates an offence.

(**1**) 1981 c.29
(**2**) See Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002 No.790) Article 3(2) and Schedule 2.
(**3**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
(**4**) 1972 c. 68.
(**5**) OJ No L 409, 30.12.2006, p 1.
(**6**) OJ No L 295, 4.11.2008, p 3.
(**7**) OJ No L 340, 22.12.2007, p 46.
(**8**) Inserted by S.I. 1999/1820 Article 4, Schedule 2, Part 1, para 68(5)(a); S.I. 1998/3178, Art.3.

Amendments to the Sea Fishing (Enforcement of Community Control Measures) Order 2000

2.—(1) Insofar as it extends to Northern Ireland, the Sea Fishing (Enforcement of Community Control Measures) Order 2000(**9**) is amended as follows.

(2) In article 2—

(a) before the definition of "Community control measure" insert—

""buyer of the fish" means a buyer of fish obliged to submit sales notes pursuant to Article 9.2 of Regulation 2847/93(**10**);";

(b) after the definition of "Community control measure" insert—

""first seller of the fish" means an auction centre or other authorised person obliged to submit sales notes pursuant to Article 9.1 of Regulation 2847/93, and a person is authorised for the purposes of that Article insofar as it sells fish being marketed for the first time by any form of competitive bidding at a designated auction site either on its own behalf or as the seller's agent;";

(c) for the definition of "Regulation 2847/93" substitute—

""Regulation 2847/93" means Council Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy;";

(d) after the definition of "Regulation 423/04" insert—

""Regulation 1966/2006" means Council Regulation (EC) No 1966/2006 on electronic recording and reporting of fishing activities and on means of remote sensing, as amended from time to time;

"Regulation 1077/2008" means Commission Regulation (EC) No 1077/2008 laying down detailed rules for the implementation of Regulation 1966/2006 and repealing Regulation (EC) No 1566/2007, as amended from time to time;";

(e) after the definition of "relevant offence" insert—

""requisite financial turnover" means an annual financial turnover in first sales of fisheries products for a person which is in excess of €400,000 and calculated for a calendar year using the annual financial turnover for that person from the calendar year two years previously and based on European Central Bank Euro foreign exchange reference rates applicable on 1st January for the calendar year from which the annual financial turnover information is taken"; and

(f) after paragraph (4) insert—

"(5) References in this Order to sales notes or take-over declarations being submitted electronically mean sales notes or take-over declarations submitted using an electronic system of a type specified by the Department of Agriculture and Rural Development.".

(3) After article 2 insert—

"**Register of those with a requisite annual turnover**

2A.—(1) The Department of Agriculture and Rural Development is the competent authority for the purposes of maintaining a register of first sellers, or buyers, of the fish who have a requisite financial turnover pursuant to Article 2(1) of Regulation 1077/2008.

(2) A first seller, or buyer, of the fish must, on a form provided by the Department of Agriculture and Rural Development, inform the Department whether it has a requisite financial turnover before 1st October in each calendar year.

(**9**) S.I. 2000/51 to which there are amendments not relevant to this Order.
(**10**) OJ No L 261, 20.10.1993, p 1, as last amended by Council Regulation (EC) No 1006/2008 (OJ No L 286, 29.10.2008, p 33).