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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 623**

**SEA FISHERIES**

**The Sea Fishing (Restriction on Days at Sea)  
(Scotland) Amendment (No. 3) Order 2003**

<i>Made</i>	- - - -	<i>31st December 2003</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>6th January 2004</i>
<i>Coming into force</i>	- -	<i>1st January 2004</i>

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 (No. 3) Order 2003 and shall come into force on 1st January 2004.

**Amendment of the Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2003**

2.—(1) The Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2003(2) is amended as follows.

(2) In article 2(1) (interpretation) for the definition of “Annex XVII” substitute—

“Annex XVII” means Annex XVII to Council Regulation (EC) No. 2341/2002 fixing for 2003 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 catch limitations are required(3), as amended by Council Regulation (EC) No. 671/2003 of 10th April 2003(4) and as applied for the period from 1st January 2004 to 31st January 2004 by Council Regulation (EC) No. 2287/2003 of 19th December 2003(5).

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- (1) 1981 c. 29; relevant modifications are contained in the Scotland Act (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. 2003/56 amended by S.S.I. 2003/66 and 300.
- (3) O.J. No. L 356, 31.12.02, p.12.
- (4) O.J. No. L 97, 15.4.03, p.11.
- (5) O.J. No. L 344, 31.12.03, p.1.

- (3) In article 3 (absence from port)—
- (a) in paragraph (2)(c), for “December 2003” substitute “each of December 2003 and January 2004”; and
  - (b) in paragraph (9)(a)(ii) and (b)(iii), after “December 2003” insert “or January 2004”.
- (4) In article 4 (exception in relation to absence from ports etc)—
- (a) for “4.” substitute “4.—(1)”; and
  - (b) after paragraph (1) insert—
    - “(2) A person shall not be guilty of an offence under article 3(1) in respect of an activity relating to a boat in January 2004 if the activity would not have been treated as an offence had December 2003 and January 2004 together been treated as a whole period equivalent to one of the two month periods specified in article 3(2)(b).”.

**Amendment of the Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000**

**3.—(1)** Article 2(1) (interpretation) of the Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000(**6**) is amended as follows.

(2) In the definition of “Annex XVII” after “Council Regulations (EC) No. 671/2003 of 10th April 2003” insert “and as applied for the period from 1st January 2004 to 31st January 2004 by Council Regulation (EC) No. 2287/2003”.

Pentland House, Edinburgh  
31st December 2003

*ROSS FINNIE*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2003 (“the principal Order”) which provides for the enforcement in Scotland of the provisions of Annex XVII (“the Annex”) to Council Regulation (EC) No. 2341/2002 (O.J. No. L 356, 31.12.02, p.12) fixing for certain fish stocks and groups of fish stocks the fishing opportunities in Community waters for 2003 as amended by Council Regulation (EC) No. 671/2003 (O.J. No. L 97, 15.4.03, p.11) and Council Regulation (EC) No. 2287/2003 (O.J. No. L 344, 31.12.03, p.1) and amplified by Commission Decision 2003/185/EC (O.J. No. L 71, 15.3.03, p.28).

The Order in Article 2 contains provisions which amend the principal Order to enforce the amendments made by Council Regulation (EC) No. 2287/2003 by adding the month of January 2004 to the period in which fishing is restricted, subject to the qualification that an activity will not be an offence if it would not have been had December 2003 and January 2004 counted as a single two month period.

Article 3 of the Order provides for the extension of the Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000 in pursuance of the Annex.

No Regulatory Impact Assessment has been prepared in relation to these Regulations.