

This Scottish Statutory Instrument has been made in consequence of a defect in S.S.I. 2009/317 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2009 No. 338

SEA FISHERIES

**The Sea Fishing (Enforcement of Community Quota and Third
Country Fishing Measures and Restriction on Days at Sea)
(Scotland) Amendment Order 2009**

<i>Made</i>	- - - -	<i>6th October 2009</i>
<i>Laid before the Scottish Parliament</i>		<i>7th October 2009</i>
<i>Coming into force</i>	- -	<i>10th October 2009</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures and Restriction on Days at Sea) (Scotland) Amendment Order 2009 and comes into force on 10th October 2009.

Amendment of the Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures and Restriction on Days at Sea) (Scotland) Order 2009

2.—(1) The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures and Restriction on Days at Sea) (Scotland) Order 2009(b) is amended in accordance with this article.

(a) 1981 c.29 (“the 1981 Act”); 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 of the 1981 Act has effect in relation to Scotland as modified by section 30(5) of that Act, inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 68(5)(b).

(b) S.S.I. 2009/317.

(2) In article 12(1) (penalties), for “article 3(3), 4, 5, 6, 8, or 9(1), (2) or (5),” substitute “article 3(3), 4, 5, 6, 8, 9(1), (2) or (5), 10(4) or 11(2)”.

St Andrew’s House,
Edinburgh
6th October 2009

RICHARD LOCHHEAD
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures and Restriction on Days at Sea) (Scotland) Order 2009 (“the principal Order”). The principal Order makes provision for the enforcement of restrictions and obligations contained in Council Regulation (EC) No. 43/2009 fixing for 2009 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 (O.J. No. L 22, 26.1.09, p.1).

Article 2(2) of this Order amends article 12(1) of the principal Order, which makes provision for penalties in relation to certain offences created by the principal Order. This Order extends the application of the penalties provided for in article 12(1) to the offences created by articles 10(4) and 11(2) of the principal Order.

No Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the cost of business.

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