EXECUTIVE NOTE

The Sea Fishing (Control Procedures for Herring, Mackerel and Horse Mackerel) (Scotland) Amendment Order 2008 (S.S.I. 2008/ 156)

1. The above instrument was made in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981 (as amended) and paragraph 1A of Schedule 2 to the European Communities Act 1972.

Policy Objectives

2. Following comments from the Subordinate Legislation Committee it became clear that it was necessary to make a correcting Scottish Statutory Instrument to fully implement Commission Regulation (EC) No1542/2007, which came into effect on 1 January 2008. This Regulation was initially implemented by The Sea Fishing (Control Procedures for Herring, Mackerel and Horse Mackerel) (Scotland) Order 2008. The amending Order now makes clear that offences relating to the weighing of fish apply to the appropriate persons (whether they be the buyer of fish, receiver of fish or processor of fish) where there is a contravention or failure to comply with the obligations placed on them by Commission Regulation (EC) No1542/2007. Without this amendment offences would have applied only to the master, owner or charterer of a fishing boat.

3. The amending Order also amends the schedule of the principal Order to make clear it is an offence for the operator of privately operated weighing facilities to fail to comply with requirement to record readings, totals and any use of the system in the weighing system logbook.

Consultation

5. As this Order is correcting an oversight in the orignial Order there was no need to hold a consultation..

Financial Effects

6. There are no additional financial implications for the industry. A Regulatory Impact Assessment was completed in respect of the original Order.

Scottish Fisheries (Management) Division
Marine Directorate
Scottish Government
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