
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 88

**EXITING THE EUROPEAN UNION
SEA FISHERIES**

**The Sea Fishing (Licences and Notices) (EU
Exit) (Scotland) (Amendment) Regulations 2019**

Made - - - - 12th March 2019
Laid before the Scottish
Parliament - - - - 12th March 2019
Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 4B of the Sea Fish (Conservation) Act 1967(1) and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Sea Fishing (Licences and Notices) (EU Exit) (Scotland) (Amendment) Regulations 2019 and come into force on exit day.

(2) In this regulation, “exit day” has the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018(2).

Amendment of the Sea Fishing (Licences and Notices) (Scotland) Regulations 2011

2.—(1) The Sea Fishing (Licences and Notices) (Scotland) Regulations 2011(3) are amended as follows.

(2) In regulation 1 (citation, commencement, extent and application)—

(a) for paragraph (2) substitute—

“(2) These Regulations extend to Scotland.”,

(b) for paragraph (3) substitute—

(1) 1967 c.84 (“the 1967 Act”). Section 4B was inserted by section 4 of the Sea Fish (Conservation) Act 1992 (c.60). Section 22(2)(a) of the 1967 Act, which contains a definition of “the Ministers” for the purposes of section 4B, was amended by the Fisheries Act 1981 (c.29), sections 19(2)(d) and 45(b). The definition was modified in relation to Scotland by section 22A(12)(b) of the 1967 Act, as inserted by S.I. 1999/1820, Schedule 2, paragraph 43(13). The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) 2018 c.16.

(3) S.S.I. 2011/70.

- “(3) These Regulations apply to—
- (a) licences granted under section 4 of the Sea Fish (Conservation) Act 1967 (licensing of fishing boats) in respect of Scottish fishing boats,
 - (b) licences granted under section 4 of that Act in respect of foreign fishing boats, and
 - (c) licences granted under section 4A of that Act (licensing of vessels receiving trans-shipped fish) in respect of Scottish fishing boats or foreign fishing boats.”.
- (3) In regulation 2 (interpretation)—
- (a) for the definition of “licence” substitute—
““licence” means a licence to which these regulations apply (see regulation 1(3));”,
 - (b) in the definition of “nominee” omit “Scottish”,
 - (c) in the definition of “Scottish fishing boat” omit “, and in respect of which the Scottish Ministers may grant or have granted a licence”, and
 - (d) for the definition of “sea fishing licence” substitute—
““sea fishing licence” means a licence to which these regulations apply by virtue of regulation 1(3)(a) or (b).”.
- (4) In regulation 3 (communication of licences and notices)—
- (a) in paragraph (1)—
 - (i) in the opening words, for “Scottish fishing boat” substitute “fishing boat”,
 - (ii) in sub-paragraphs (a) and (b), after “charterer or” insert “, in the case of a Scottish fishing boat”,
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a), at the beginning, insert “in the case of a Scottish fishing boat”,
 - (ii) in sub-paragraph (b), omit “Scottish”,
 - (c) in paragraphs (3) and (4), omit “Scottish”.
- (5) In regulation 4 (delivery of licences and giving of notices), in paragraph (3), for “a nominee’s” substitute “an”.

St Andrew’s House, Edinburgh
12th March 2019

FERGUS EWING
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Sea Fishing (Licences and Notices) (Scotland) Regulations 2011 (“the 2011 Regulations”). The 2011 Regulations make provision for the manner in which licences under sections 4 and 4A of the Sea Fish (Conservation) Act 1967 may be granted and the manner in which a notice of variation, revocation or suspension of any such licence may be effected.

These Regulations are made in consequence of the Sea Fish Licensing (Foreign Vessels) (EU Exit) (Scotland) Order 2019, which makes provision prohibiting fishing by foreign fishing boats in the Scottish zone unless authorised by a licence granted by the Scottish Ministers.

These Regulations extend the application of sea fishing licences granted by the Scottish Ministers to foreign fishing boats for fishing and receiving trans-shipped fish in the Scottish zone. Regulation 2(2)(b) amends the application of the 2011 Regulations to include foreign fishing boats. Regulation 2(3) substitutes and amends various definitions, being “licence”, “nominee”, “Scottish fishing boat” and “sea fishing licence”, as a result of changes made by Regulation 2(2). Regulation 2(4) makes other consequential amendments as a result of changes made by Regulation 2(2).

An impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sector is foreseen.