
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 59

The Sea Fishing (Restriction on Days at Sea) Order (Northern Ireland) 2003

Transfer of days from one boat to another

6.—(1) Transfer of unused days within the same period from one British fishing boat ('the donor') to another ('the recipient') for the purposes of paragraph 10(b) of Annex XVII, where either the donor or the recipient is, or both are, a relevant British fishing boat, is permitted, subject to paragraphs (3) to (5) of this Article, to the extent specified in a notification of transfer sent under paragraph (2) of this Article or under any equivalent provision.

(2) Where the donor is a relevant British fishing boat, a notification of transfer, which must be made in the form set out in Schedule 1 and contain all the particulars required by that form, must be signed by the donor's owner (or, as the case may be, each part owner) and sent to the Department of Agriculture and Rural Development before the end of the period in question.

(3) A transfer is not permitted if –

- (a) within the same period, the donor has already purported to transfer any number of days to a recipient;
- (b) the donor has been withdrawn or is required to be withdrawn from operation within the sea fish industry of the European Community in consequence of measures taken pursuant to Article 7(3) of Council Regulation (EC) No. 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector⁽¹⁾ as last amended by Council Regulation (EC) No. 2369/2002 of 20th December 2002⁽²⁾ (or pursuant to that Article of that Regulation in its original or a previously amended form); or
- (c) the donor has not, within the same period, fished with the type of fishing gear to which the purported transfer relates in any of the areas defined in paragraph 2 of Annex XVII under authority of, and in accordance with, a licence issued under section 4 of the Sea Fish (Conservation) Act 1967⁽³⁾.

(4) If, before this Order comes into force, the donor has not submitted a logbook containing an entry showing that it was fishing in any of the areas specified in paragraph 2 of Annex XVII with a type of fishing gear specified in paragraph 4 of Annex XVII at any time during the year 2001 or 2002, then a transfer is not permitted.

(5) The number of days transferred for any type of fishing gear in a specified period is whichever is the smaller of:

- (a) the number of days specified for that transfer in relation to that type of fishing gear in the notification; and
- (b) the maximum number of unused days which may be permitted to be so transferred for that gear under paragraph 10(b) of Annex XVII as read with the provisions of this Order.

(1) O.J. No. L337, 30.12.99, p. 10

(2) O.J. No. L358, 31.12.02, p. 49

(3) 1967 c. 84. Section 4 was amended by section 3 of the Fishery Limits Act 1976 (c. 86), section 20 of the Fisheries Act 1981 (c. 29), section 1 of the Sea Fish (Conservation) Act 1992 (c. 60) and article 4 of, and Schedule 2 to, the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) A person who makes a false statement in a notification under paragraph (2) of this Article is guilty of an offence.

(7) In Schedule 1 –

“vessel name”, in relation to a fishing boat which is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995, means its registered name as referred to in regulation 30 of the Merchant Shipping (Registration of Ships) Regulations 1993⁽⁴⁾; and

“PLN” and “RSS No.”, in relation to a fishing boat which is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995, means respectively its port number and its official number within the meaning of regulation 31 of the Merchant Shipping (Registration of Ships) Regulations 1993.

(4) S.I. [1993/3138](#); the relevant amending instrument is [1999/3206](#)