

SCHEDULE 2

PART I

MODIFICATIONS OF ACTS OF PARLIAMENT

Sea Fisheries Act 1968 (c. 77)

48.—(1) The Sea Fisheries Act 1968 is amended as follows.

(2) In section 5 (regulation of conduct of fishing operations)(1)–

(a) in subsection (2)–

(i) in paragraph (a), before “British fishing boats” there is inserted “relevant”; and

(ii) for paragraph (b) there is substituted–

“(b) to all Scottish or foreign fishing boats, and things done by such boats and their crews, in waters within relevant British fishery limits”.

(b) in subsection (3), before “British fishery limits” there is inserted “relevant”; and

(c) after subsection (5) there is inserted–

“(6) This section has effect in relation to Scotland with the following modifications–

(a) in subsection (2)(a), for “relevant British fishing boats” there is substituted “Scottish fishing boats”;

(b) in subsection (2)(b)–

(i) for “Scottish” there is substituted “relevant British”; and

(ii) for “relevant British fishery limits” there is substituted “the Scottish zone”;
and

(c) in subsection (3) for “relevant British fishery limits” there is substituted “the Scottish zone”.”.

(3) In section 7 (sea-fishery officers)–

(a) in subsection (1)(d), after “Secretary of State” there is inserted “or of the Scottish Ministers”; and

(b) in subsection (5)(b), for “Secretary of State” there is substituted “Scottish Ministers”.

(4) In section 18(2)(orders)(2), at the end there is inserted “or, in the case of an order in relation to Scotland, the Scottish Parliament”.

(5) In section 19(1) (interpretation)(3)–

(a) there is inserted in the appropriate places–

““relevant British fishing boat” means a British fishing boat which is not a Scottish fishing boat”;

““relevant British fishery limits” means British fishery limits so far as they do not relate to the Scottish zone”;

““the Scottish zone” has the same meaning as in the Scotland Act 1998”;

(1) Section 5 was amended by Fishery Limits Act 1976 (c. 86), section 4.

(2) Section 18(2) was amended by Sea Fish Industry Act 1970 (c. 11), Schedule 6, Part I.

(3) Section 19 was amended by the Sea Fish Industry Act 1970 (c. 11), Schedule 6, Part I, the Fishery Limits Act 1976 (c. 86), Schedule 4, the Merchant Shipping Act 1988 (c. 12), section 57(4), Schedule 6 and Schedule 8, paragraph 1, the Merchant Shipping (Registration, etc.) Act 1993 (c. 22), section 8(1) and Schedule 2, paragraph 9 and the Merchant Shipping Act 1995 (c. 21), section 314 and Schedule 13, paragraph 43(c).

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““Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging”;

- (b) in the definition of “foreign fishing boat”, before “British fishing boat” there is inserted “relevant”, and after those words there is inserted “or a Scottish fishing boat”;
- (c) in the definition of “the Ministers”–
 - (i) after “means” there is inserted “, in relation to England, Wales and Northern Ireland;” and
 - (ii) at the end there is inserted “and, in relation to Scotland, the Scottish Ministers”; and
- (d) in the definition of “Sea Fisheries Acts”, after “sea-fishing”, there is inserted “including any Act of the Scottish Parliament and any subordinate legislation made under such an Act, and”.