

**EXPLANATORY MEMORANDUM TO THE
INCIDENTAL CAPTURE OF SMALL CETACEANS IN FISHERIES (ENGLAND)
ORDER 2005**

2005 No. 17

1. 1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.
2. **Description**

2.1 This Statutory Instrument introduces enforcement powers and offences for those measures contained within Council Regulation 812/2004 to reduce cetacean bycatch in certain fisheries.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None
4. **Legislative Background**

4.1 The Statutory Instrument has been made to comply with Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98.
5. **Extent**

5.1 This instrument applies to all UK registered vessels within English territorial waters.
6. **European Convention on Human Rights**

Not applicable
7. **Policy background**

7.1 The Department for Environment, Food and Rural Affairs' objective to protect and improve the rural, urban, marine and global environment is being met by enforcing measures agreed by the European Council of Ministers to monitor bycatch levels in specified fisheries and to take measures to reduce bycatch in those fisheries already identified as having high levels of cetacean bycatch.
8. **Impact**

8.1 A Regulatory Impact Assessment has not been prepared as this Order does not introduce any new offences .

8.2 There will be no impact on the public sector.

9. Contact

Ruth Thirkettle at the Department for Environment, Food and Rural Affairs Tel: 0207 270 8256 or e-mail: ruth.Thirkettle@defra.gsi.gov.uk can answer any queries regarding the instrument.