

NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Wales) Order 2000

Background

This Order provides for the enforcement of EU restrictions on sea fishing. The restrictions in question fix total allowable catches and Member State quotas for the year 2000 and lay down certain conditions with regard to the manner in which such fishing may be carried out. The EU provisions also authorise fishing by Norway and the Faroe Islands for specified descriptions of fish in specified areas.

The Order includes provision with regard to –

The creation of criminal offences for contravention of the EU restrictions,
the recovery of fines,
powers of investigation for British sea fishery officers,
admissibility of evidence.

Standing Order 11.5

Article 5(3) includes a reference to –

"a petty sessions district in Northern Ireland".

It is thought that this reference may have been included in error. Thus it is considered that, under Standing Order 11.4, the question should be raised with the appropriate Assembly Secretary as to whether, and if so on what basis, this reference is correct.

It is to be noted that provision to the same effect in the Sea Fishery (Enforcement of Community Satellite Monitoring Measures) (Wales) Order 2000 does not include the above reference.

General Observations

Preamble

In relation to footnote (a) it is not thought that the lengthy reference to the modifications which have been made for Scotland will be of assistance to users of this Order.

Article 2(1) "relevant offence"

With regard to the reference to section 30(2A) in paragraph (b) a footnote would have been helpful to identify the amending order under which this additional subsection was inserted. This is particularly so, since with subsection (2A) being essentially a provision relating to Scotland, Halsbury and LEXIS do not seem to include it in their texts.

Article 5(1)(a)

Insertion of a comma after "convicted" might have made this slightly easier to follow.

Article 6(3)

"require the boat to stop" might have been better expressed as "require the boat to be stopped".

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