

NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

The Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Wales) Order 2000

Background

This Order provides for the enforcement, within Wales and the territorial sea adjacent to Wales, of EU requirements with regard to the satellite tracking of fishing boats.

The Order covers the following matters –

- requirement for satellite tracking devices to be installed on fishing boats,
- times at which information must be transmitted,
- offences of failure to comply with the EU regulations and the Order,
- penalties and recovery of fines,
- powers of British sea-fishery officers,
- admissibility of evidence of logbooks and other documents.

Standing Order 11.5

No points have been identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention, under Standing Order 11.5.

There are, however, some general observations which it is considered should be drawn to the attention of the Assembly.

General Observations

Explanatory Note

The first paragraph comprises just one long sentence.

In the sixth paragraph it seems that "authorisation" should be "notification".

The final paragraph should begin with a capital letter.

Preamble – footnote (a)

It is not thought that the material concerning the modification of the enabling power in relation to its exercise in Scotland is of relevance to this Order.

Article 2(1) "relevant offence"

Reference is made to section 30(2A) of the Fisheries Act 1981. Subsection (2A) was inserted by an Order made under the Scotland Act and thus appears to have effect only in relation to Scotland. Accordingly, although the reference is quite appropriate in this Order, Halsbury and Lexis do not include it. Thus it would be helpful to have a footnote identifying the Order under which the subsection has been inserted.

Article 7(2)

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

Article 7(4)(a)

This refers to "the boat in relation to which the offence took place" although, properly speaking, at that stage there is only a suspected offence.

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