

Statutory Document No. 2020/0597



*European Communities (Isle of Man) Act 1973*

# SEA-FISHERIES (REGISTRATION OF FISH BUYERS AND SELLERS) (ISLE OF MAN) (AMENDMENT) REGULATIONS 2020

*Laid before Tynwald:*

*Coming into Operation: in accordance with regulation 2*

The Council of Ministers makes the following Regulations under section 2B of the European Communities (Isle of Man) Act 1973.<sup>1</sup>

## 1 Title

These Regulations are the Sea-Fisheries (Registration of Fish Buyers and Sellers) (Isle of Man) (Amendment) Regulations 2020.

## 2 Commencement

These Regulations come into operation on the day they are made.<sup>2</sup>

## 3 Interpretation

In these Regulations, “**the principal Regulations**” means the Sea-Fisheries (Registration of Fish Buyers and Sellers) (Isle of Man) Regulations 2012<sup>3</sup>.

## 4 Principal Regulations amended

- (1) The principal Regulations are amended as follows.
- (2) In regulation 3, after the definition of “fish”, insert —

<sup>1</sup> In accordance with regulation 6 (Saving of the European Communities (Isle of Man) Act 1973 for implementation period) of the European Union and Trade Act 2019 (Withdrawal Agreement) Regulations 2020.

<sup>2</sup> Section 2B(9) of the European Communities (Isle of Man) Act 1973 specifies that regulations shall be laid before Tynwald as soon as possible after they are made and if Tynwald at the sitting before which the regulations are laid or at the next following sitting resolves that the regulations shall be annulled, the regulations shall upon such resolution cease to have effect.

<sup>3</sup> SD 0142/2012 as amended by SD 0211/12.

“IUU Regulation” means Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and EC No 1447/1999<sup>4</sup>; **22**.

(3) After regulation 3, insert —

### **3A Designation as competent authority**

The Department is the competent authority for the purposes of the Control Regulation and the IUU Regulation. **22**.

(4) After regulation 9, insert —

### **9A Documentation for fisheries products exported from the Island**

(1) A registered fish seller or registered fish buyer must ensure any fishery products removed from the Island are, where applicable, accompanied by —

- (a) a take-over declaration prepared further to articles 66 and 67 of the Control Regulation;
- (b) a transport document prepared further to article 68 of the Control Regulation;
- (c) a catch certificate as required further to articles 12 to 22 of the IUU regulation.

(2) A registered fish seller or registered fish buyer must maintain a copy of any documents provided as a consequence of paragraph (1) as part of their records for the duration specified in regulation 6(3), 6(6), 9(3) or 9(5) as appropriate.

(3) Records maintained in accordance with this regulation must be —

- (a) made available for inspection by the Department at a place notified in accordance with regulation 6(4) or regulation 9(3) as appropriate; or
- (b) submitted to the Department in the same manner as that set out in regulation 6(5) or regulation 9(4) as appropriate.

(4) A registered fish seller or registered fish buyer who fails to comply with this regulation, or produce on request by the Department the records required by this regulation, is guilty of an offence. **22**.

<sup>4</sup> OJ L 286, 29.10.2008, p. 1.

**MADE 21 DECEMBER 2020**

**W GREENHOW**  
*Chief Secretary*

***EXPLANATORY NOTE***

*(This note is not part of the Regulations)*

These Regulations designate the Department of Environment, Food and Agriculture as the competent authority for the purposes of the EU regulations referenced in the “principal Regulations”, i.e. the Sea-Fisheries (Registration of Fish Buyers and Sellers) (Isle of Man) Regulations 2012 [SD 0142/2012 as amended by SD 0211/12].

These Regulations accordingly define an additional EU regulation for the purposes of the principal Regulations, the “IUU Regulation”, i.e. the Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Finally, these Regulations insert a new regulation 9A to require any registered fish seller or registered fish buyer to prepare a take-over document, transport document or catch certificate as appropriate for any fishery products exported from the Island and to maintain records of any such documents.