



Welsh Government
Consultation Document

Extending Financial Administrative Penalties (FAPs) within Fisheries

Proposals to extend the existing arrangements for issuing FAPs for Common Fisheries Policy (CFP) offences to also include domestic fisheries offences.

Date of issue: 5 December 2018
Action required: Responses by 28 January 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

This Wales only consultation sets out proposals to:

Extend the present FAP scheme to breaches of domestic fisheries offences.

Increase the maximum FAP allowable for CFP and domestic offences from £4,000 to £10,000.

Both these measures will bring Welsh regulation in to line with other parts of the UK.

The establishment of an extended FAP scheme in Wales will enable all fisheries offences to be addressed in a flexible, proportionate and consistent manner, while providing an additional deterrent to those who consider breaching domestic fisheries legislation.

In certain circumstances FAPs may be offered as an alternative to criminal prosecution but a person will retain the option of having the matter dealt with through the courts.

How to respond

Responses can be submitted by email, post or via an online form on the Welsh Government website at www.gov.wales/consultations

E-mail/postal responses should be sent to the address below to arrive by 28 January 2019 at the latest. Please insert 'FAP consultation' in the e-mail subject box.

By email : MarineAndFisheries@gov.wales

By Post: Michelle Billing
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Welsh Government
Rhodfa Padarn, Aberystwyth, SY23 4UR

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

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General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

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Under the data protection legislation, you have the right:

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- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

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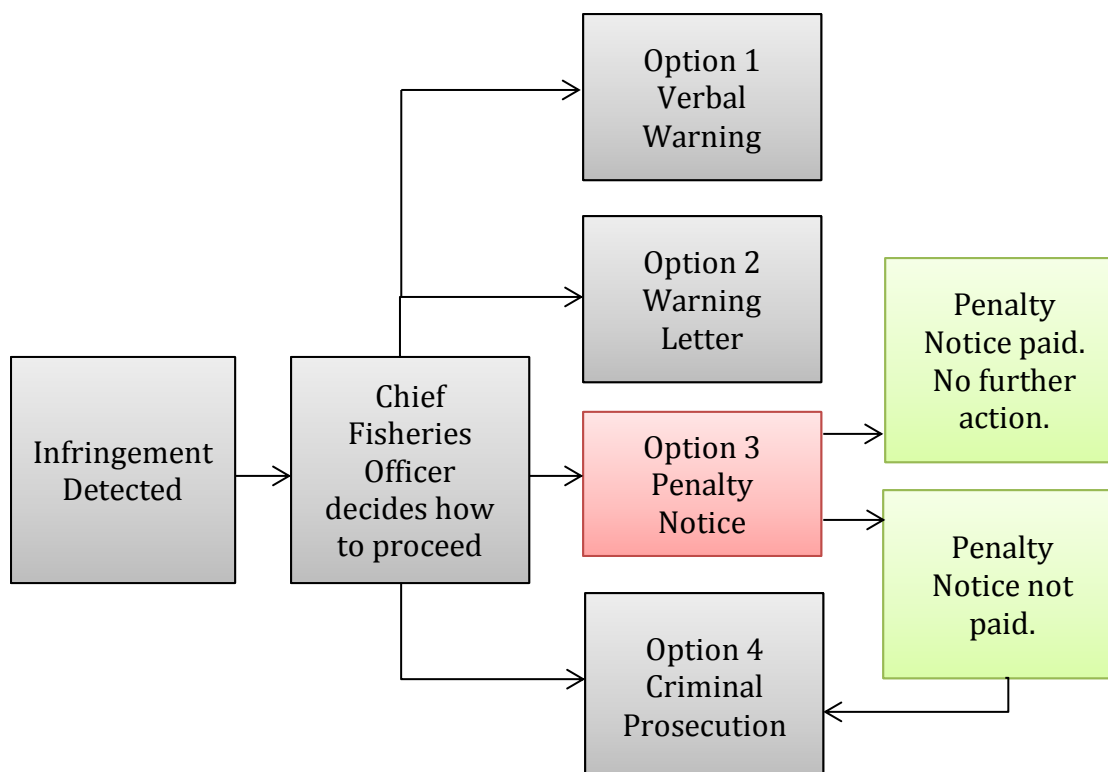
Section A: Introduction

1. This Wales only consultation sets out proposals to extend the FAP scheme available for CFP offences to breaches of domestic fisheries offences using powers available under Section 294 of the Marine and Coastal Access Act 2009.
2. The FAP scheme for minor CFP offences has been in operation in Wales since 2008 pursuant to The Sea Fishing (Enforcement of Community Measures) (Penalty Notices) Order 2008 (SI 2008/984). Since that time other UK Fisheries Administrations have conducted reviews of their own schemes and updated them where necessary to include domestic offences.

Section B: Overview of CFP FAP Scheme

3. The principles that support the offering of FAPs for CFP fisheries offences are:
 - to enable penalties to be applied more rapidly and effectively
 - to increase transparency
 - to reduce cost and uncertainty for fishermen
 - to offer fishermen non-court disposal for minor offending
 - to provide a consistent approach for dealing with infringements
4. Further to the principles listed above the FAP scheme was designed in such a way that penalties would be consistent and proportionate to the seriousness of the offence.
5. Figure 1 below presents the current process for enforcement decisions with respect to CFP offences.

Figure 1: Current CFP enforcement process



6. All suspected infringements detected by Marine Enforcement Officers¹ (MEO) will be investigated.
7. The Key Criteria used by the Chief Fishery Officer (CFO) to consider whether a FAP should be offered include:
 - level of infringement i.e. serious or minor
 - previous offences: - whether there has been any previous offending which could preclude the issue of a penalty notice. Previous offending would mean any previous convictions, or two or more penalty notices.
 - other offences: - detected at the same time as the offence in question and the nature of these offences. This may add to the seriousness of the overall breach.
 - value of catch: - where the breach is not sufficiently serious to warrant a direct referral for prosecution. For these purposes, sufficiently serious will normally be taken to mean where the potential financial gain exceeds the maximum level of penalty available. Financial gain means the value of the illegal catch at the previous week's average prices at the most appropriate market. This could include markets outside the UK if the vessel routinely lands abroad.

¹ MEO can be read as British Sea Fishery Officer where applicable.

- volume of catch: - where the volume of catch is not large enough to warrant a direct referral for prosecution. This is particularly relevant to bycatch offences but may be a factor in other offences too.
 - damage to the environment/ecosystem: - including whether the species concerned is subject to stock recovery measures.
8. The CFO will evaluate the evidence presented by the MEO against the key criteria listed above and consider whether criminal prosecution is in the public interest. Where there is evidence that the offences meet the required criteria for a FAP, a FAP may be issued as an alternative to a written warning or criminal prosecution through the courts.
 9. FAPs are not offered for the following offences which will always be referred directly for prosecution:
 - obstruction or failure to comply with the requirements of MEOs
 - assaults or threats to MEOs or those assisting them
 - offences relating to stocks subject to special measures or a recovery or management plan which attracts automatic suspension of licence when no further penalty would apply.
 - repeat offences for a third or subsequent offence
 10. If a FAP is offered as an alternative to criminal prosecution the offender will be under no obligation to pay the penalty if they wish to have the matter dealt with by a court.
 11. FAPs offered for first offences range between £250 and £2,000 depending on the level of the offence category, rising to a maximum of £4,000 for a second offence.
 12. Table 1 below illustrates the penalty levels for offence categories under the current CFP FAP scheme for first and second offences.

Table 1: Current CFP Offence Categories and their designated penalty levels

Offence Category	Penalty Levels	First Offence	Second Offence	Further Offences
Marketing	1	£250	£500	Referred for prosecution
Miscellaneous	2	£500	£1,000	
Tech Con Gear	3	£1,000	£2,000	
Tech Con Catch	3	£1,000	£2,000	
Recovery	3	£1,000	£2,000	
Control	3	£1,000	£2,000	
Access	4	£2,000	£4,000	

13. No more than 2 FAPs will be issued for a similar category of offence, with an increased FAP for the second offence. A further offence within the same category will result in an automatic referral for criminal prosecution.
14. The setting of the financial penalty and the penalty level ascribed to each offence category takes in to account an historical analysis of court penalties, while offering offenders an incentive to decide against referral for criminal prosecution through the courts.
15. Penalty notices issued for any particular offence depend upon the nature of the offence breached and the factors used to consider whether a penalty should be offered. During inspection activities, where multiple offences are detected and breaches exceed £4,000, the matter is automatically referred to court for prosecution. In most cases this means loss of earnings for fishermen due to interruption of fishing activity from detaining vessels for evidence gathering and for the court case. Loss of earnings is likely to be greater for foreign vessels than for UK vessels if they are detained for prosecution.

Section C: Extending the FAP Scheme to Domestic Fisheries Legislation

Why are the changes proposed?

16. In Wales, when the FAP scheme was introduced in 2008, we did not have the necessary powers to apply FAPs to domestic fisheries offences which means domestic fisheries offences can only be dealt with by issuing verbal warnings, written warnings or criminal prosecution through the courts. However, Section 294 of the Marine and Coastal Access Act 2009 now gives us the powers to issue FAPs for breaches of domestic sea fisheries legislation.
17. It is essential that the proposed regime for dealing with domestic offences be consistent with the rest of the UK administrations and with the existing regulatory framework for CFP offences. We intend to achieve this through continuing a risk-based approach that will only allow criminal prosecution through the courts for the most serious breaches which are unsuitable for FAPs.
18. The proposed new regime would lead to a transparent system of sanctions for all fisheries offences in Wales, allowing the CFO to offer FAPs for certain fisheries offences quickly and effectively without the need for criminal prosecution through the courts.
19. It is difficult to estimate with accuracy the level of earnings lost from interruption to fishing activities since this will depend on the nature of the fishing activity. However, we believe in certain circumstances that losses could be reduced if the upper limit for the offer of a FAP were increased to £10,000, for instance, where a group of minor offences is detected during investigation. This approach could also offer other advantages to fishermen, such as a reduction in the costs of solicitors' fees and the avoidance of criminal prosecution.

Summary of proposed changes

20. We are proposing two main changes to the current FAP scheme:

- Extend the present FAP scheme to breaches of domestic fisheries offences (see Appendix 2)
- To increase the maximum FAP allowable for CFP and domestic offences from £4,000 to £10,000 (see Section C.31 – 35)

21. We will maintain the Key Criteria on which the decision to offer a FAP is made (see Section B.7)

22. And, we will also keep the enforcement decision making process the same as it is currently (see section B.5 – 13)

How will the proposals be implemented?

23. The existing Penalty Notices Order (Sea Fishing Enforcement of Community Measures) (Penalty Notices) Order 2008 (SI 2008/984) already provides for a FAP scheme for minor CFP fisheries offences. Following this consultation, the intention is to replace the 2008 Order with one that extends the scheme to breaches of domestic fisheries legislation. It is intended that the new Order encompassing both CFP and domestic offences will come into effect in Spring 2019.

24. Under the new arrangements, in certain circumstances fishermen would be offered a FAP as an alternative to criminal prosecution in cases of infringement of domestic fisheries legislation. They would only be offered FAPs where there is evidence to the criminal standard of the offence committed.

Who might be affected by the proposals?

25. All fishermen who breach the relevant applicable laws will be affected by these proposals. The Marine & Fisheries Division of the Welsh Government will administer the scheme and will continue to carry out their enforcement activities as they currently do. MEOs will investigate and gather evidence on suspected offences, and present that evidence to the CFO with a recommendation to issue a penalty notice where appropriate and if they have evidence that a person has committed a relevant fisheries offence.

Which domestic offences will be affected by the proposed scheme?

26. All domestic sea fisheries offences will be included in the new FAP scheme (see Appendix 2 for a full list of the domestic sea fisheries offences included).

27. To incorporate the domestic offences, we propose extending the current list in Table 1 from 7 categories to 13 categories – see Table 2 below

Table 2: Current & Proposed Offence Categories and their designated penalty levels

Category / Offence	Penalty Level	First Offence	Second Offence	Further Offences
Current CFP offence categories				
Marketing offences	1	£250	£500	Referred for prosecution
Miscellaneous offences	2	£500	£1,000	
Technical conservation measures (gear) offences	3	£1,000	£2,000	
Technical conservation measures (Catch) offences	3	£1,000	£2,000	
Recovery Stock offences	3	£1,000	£2,000	
Control offences (including Registered Buyers and Sellers and UK licence offences)	3	£1,000	£2,000	
Access offences	4	£2,000	£4,000	
Proposed domestic offence categories to be included in extension				
Illegal, unregulated and unreported fishing offences	4	£2,000	£4,000	
Undersize fish offences (EU, UK, Wales)	2	£500	£1,000	
Wales (Inshore) Access offences	3	£1,000	£2,000	
Wales (Inshore) Technical conservation (catch) offences	2	£500	£1,000	
Wales (Inshore) Technical conservation (gear) offences	2	£500	£1,000	
Wales (Inshore) Permit offences	1	£250	£500	

28. Table 2 shows both the current CFP offence categories and associated first and second offence penalty levels, as well as those proposed for domestic offence categories.

29. Any FAP offered will take account of the offence category, its associated penalty level and the number FAPS issued for offences from the same category.

30. In line with the existing CFP scheme, FAPs will not be issued for the following offences, which will be considered for direct referral to the courts:

- obstruction or failure to comply with the requirements of MEOs
- assaults or threats to MEOs or those assisting them
- offences relating to stocks subject to special measures or a recovery or management plan which attracts automatic suspension of licence when no further penalty would apply.
- repeat offences for a third or subsequent offence.

Increased maximum FAP limit

31. We propose to increase the maximum FAP allowable for CFP and domestic offences from £4,000 to £10,000 before requiring the case to be referred to court.
32. Where the identified financial gain (connected to or resulting from an offence) is greater than the proposed level of penalty, the penalty offered will be increased by multiples of the relevant basic penalty level (£250, £500, £1,000 or £2,000) until the value of the penalty is greater than that of the identified financial gain.
33. This could include where appropriate, offering a penalty of up to £10,000. If the financial gain is greater than £10,000, or the financial gain in relation to the offence is deemed to be of a serious nature, a FAP will not be offered and the offence will be referred to court.
34. Where multiple offences are detected, the identified financial gain will only be considered once in relation to the penalty offences. Where the financial gain has already been considered in the calculation of a penalty, the remaining penalty offences will be offered at the relevant basic penalty levels providing their combined value does not exceed £10,000.
35. The financial administrative penalty will be increased to the next level available if any of the legally liable persons offered the penalty have received a penalty for the same category of offence providing their combined value does not exceed £10,000.

What will be the financial impact of the new regime?

36. Fisheries offences dealt with through the courts can attract fines and court costs totalling tens of thousands of pounds. Offenders may also incur financial losses as a result of the interruption of fishing activities. Introducing FAPs for domestic offences is expected to reduce the time expended and costs for both offenders and enforcers through:
 - Reducing time lost during courts appearances;
 - Reducing solicitor's fees due to court appearances;
 - Reduction in costs of fines payable to the courts if found guilty;
 - Faster conclusion of cases that would previously have gone to court;
 - Reducing the administrative burden on MEOs.

The proposed scheme is therefore expected to either make savings or be cost neutral.

Section D: Payment System and Joint and Several Liability

How the payment process works

37. We are not proposing any changes to the payment process for FAPs.
38. Once a decision has been made to issue a penalty notice, it will be issued to the offender as appropriate. The offender will be given 28 calendar days to decide whether to accept and pay the penalty.
39. The penalty notice(s) will detail the circumstances of the offence and the level of the administrative penalty being offered. Penalty notices will either be hand delivered or sent by registered post and will state how payments should be made if the offer of a penalty is accepted. Payment in cash would not be allowed, but BACs transfers, cheque or credit card payments would be accepted.
40. Funds must be cleared before the end of the 28 calendar days, so clearing time should be considered by the person making the payment.
41. A penalty notice can be withdrawn before or after payment of the penalty if it contains a technical error, or if it is issued in error or to the wrong person. Where a penalty notice is withdrawn, any penalty paid will be repaid in full, but, in appropriate circumstances, a new penalty notice may be issued.
42. A person who is issued with a penalty notice and pays the penalty within 28 calendar days will discharge his/her liability to be convicted of the offence. A receipt will be issued, and a record of the penalty will be kept. This may, in some circumstances, have evidential value. If the penalty is not paid within that time, the offence will be referred for prosecution in the usual way.

Joint and Several Liability

43. We are not proposing any changes to the current system of joint and several liability.
44. Under current law, there is joint and several liability on the part of owners, masters, and charterers in respect of fisheries offences. Instead of being prosecuted such persons could be issued with a penalty notice, and we would accept payment of the penalty by any one person as counting as payment for the others. In other words, where the master and the owner have both been issued with a penalty notice for £1,000 in respect of an offence for which they are jointly and severally liable, we would not expect the master and owner each to pay £1,000. Instead, if the owner pays the £1,000, the penalty notice issued to the master will be treated as having been paid.
45. Where a payment has been received in respect of the joint offence from either the owner, master or charterer, a written notification will be sent to the others

stating that payment has been received in respect of this offence and indicating that their penalty is being treated as having been paid. However, as the payment of a penalty can have consequences for the person to whom it was issued (e.g. having a relevant previous penalty will increase the amount payable for a subsequent penalty or they do not want to accept the FAP), there needs to be a safeguard to allow a person to contest that process. The other party/parties may therefore request within the 28 day period in writing that they are opposed to their penalty as having been paid.

46. Where this happens, that person's penalty will not be treated as having been paid, with the result that, if their penalty notice remains unpaid at the end of the 28 day period, their case will be referred for prosecution in the usual way. This will not affect those who have actually paid, or who do not object to having their penalty notice treated as having been paid.
47. If found not guilty in court, records of that particular case would be removed from the database and would not count as a previous offence in any future decisions. Where possible we wish to bring previous offences or penalties to the attention of the courts, e.g. during sentencing for another offence.

Appendix 1

Financial Administrative Penalties Consultation Response Form

Name _____

Address _____

Organisation (if applicable) _____

Telephone No. _____

Email Address. _____

What is your involvement in the fishing industry?-

Questions:

1. Do you agree that the proposal to extend the offer of FAPS as an alternative to court for domestic offences meets the original principles set out in Section B.3?

Yes No

2. Do you think the criteria by which we consider whether or not a FAP should be offered for domestic offences are the right ones (see Section B.7)?

Yes No

3. Do you agree:

(i) That the list of serious offences which would be referred directly to court, e.g. obstruction, is complete (see Section B.9)?

Yes No

(ii) That the proposed penalty levels for each offence category are appropriate (see Table 2)?

Yes No

(iii) That the financial penalties provide a sufficient deterrent?

Yes No

(iv) That the financial penalties for second offences are double that given for the first offence?

Yes No

(vi) With how we have categorized the offences (see Table 2)?

Yes No

3. Do you support increasing the maximum penalty that we are able to offer to an offender before referring to court to £10,000 e.g. in circumstances such as multiple offences? Or would you prefer to retain the current system whereby the value of an offence which exceeds £4000 are referred to the courts?

Yes No

4. Is the proposed system easily understood?

Yes No

5. Do you think the proposed system will work well?

Yes No

Please give your reasons?

6. Do you have any comments on the (attached) Partial Regulatory Impact Assessment?

7. We would like to know your views on the effects that that this proposal could have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

8. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, or suggested improvements, please use this space to report them:

9. Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Appendix 2

Current & Proposed Offence Categories and Offences

This list will be available online and updated as required.

Category 1: Marketing offences	
	Labelling
	Grading – size
	Grading – freshness
	Marketing – other offences
Category 2: Miscellaneous Offences	
	Catch – other offences (including quota regulation by-catch offences)
	Failure to display port letters and numbers on vessel or craft or Fisheries Activity Database
	Failure to display port letters and numbers on gear
	Failure to produce a certified fishroom plan or ullage tables or stowage plan
	Failure to provide a boarding ladder
	Failure to permit use of communications equipment
	Illegal or failure to use marker buoys
	Failure to notify gear (if subject to effort management regime)
	Failure to retrieve or notify lost gear
Category 3: Technical conservation measures (gear) offences	
	Fishing in restricted areas – other offences
	Incorrectly stowed gear
	Mesh size – required percentage of target species – towed gear
	Beam size
	Illegal attachment
	Illegal bottom side chafer
	Illegal topside chafer – type A
	Illegal topside chafer – type B
	Illegal strengthening bag
	Illegal chafing piece
	Illegal cod line
	Illegal lifting strap
	Illegal round strap
	Illegal flapper
	Illegal strengthening rope
	Illegal torquette
	Carriage of undersize nets

	Gill nets or passive gear – carriage or use or length or mesh size
	Illegal square mesh panel or failure to use square mesh panel
	Excess meshes in circumference
	Trawl or geometry
	Twine thickness
	Gear offences – other
	Square mesh panel – failure to use square mesh panel
	Square mesh panel – undersize mesh
	Square mesh panel – dimension
	Square mesh panel – position in trawl
	Trawl geometry
	Twin rig trawl restrictions
	Illegal scallop dredge
	Other UK gear offences
Category 4: Technical conservation measures (catch) offences	
	Enter mackerel box with undeclared mackerel catch (see ECAD)
	Failure to attain 95 per cent bivalve molluscs when fishing with dredges
	Catching herring for industrial use
	Landing cut out scallops or lobster tails
	Fishing for or retaining species – no quota allocated or exhausted
	Illegal fish processing
	Salmon and sea trout
	Gill net catch composition requirements
	Retaining bass from bass nursery area
	Landing crab claws
Category 5: Recovery stock offences	
	Failure to catch 30 per cent nephrops in north sea (80 to 109 mm)
	Failure to meet catch composition (110 to 119 mm) saithe
	Carriage or use of gear (100 to 119 mm)
	Cod catch exceeding 20 per cent (32 to 119 mm)
	Illegal headline panel (70 to 99 mm)
	Illegal square mesh panel (70 to 99 mm)
	Twine thickness
	Exceeding net circumference (70 to 89) (90+)
	Gear structures (multiple twine equal top and bottom quadrilateral mesh)
	Beam trawl – technical restrictions
	Fixed nets – exceeding 30 per cent cod (mesh size range less than or equal to 139 mm)
	Illegal fishing in restricted or closed cod box

	Failure to notify gears for management period
	Failure to notify specific gear for each trip
	Fishing in excess of authorised days
	Unauthorised gear (carriage or use of)
	Failure to notify entry or exit in cod recovery area
	Landing more than permitted quantity in non-designated ports (greater than 2 tonnes)
	Other cod-related offences
	Retaining greater than 100 kg deep sea species without a permit
	Failure to record effort in log book
	Landing greater than 100 kg deep sea species at non-designated port
	Prohibition on shark finning
	Discarding of shark bodies
	Exceeding theoretical ratio of 5 per cent shark fins
	Failure to keep records of shark fins
	Breach of notification requirement – landing shark fins
	Landing recovery species into non-designated port
	Failure to have a stowage plan or inaccurate stowage plan
	Failure to stow recovery species separately
	Hake catch exceeding 20 per cent (55 to 99 mm non-beam trawls)
	Hake catch exceeding 5 per cent (55 to 99 mm beam trawls)
	Twine thickness
	Exceeding permitted meshes in circumference
	Illegal headline panel
	Unauthorised towed gear (carriage or use gear) (hake)
	Unauthorised fixed gear (carriage or use gear) (hake)
	Landing more than permitted quantity in non-designated port (hake)
	Failure to notify entry or exit into biologically sensitive area
	Landing greater than 10 tonnes of pelagic species at non-designated port
	Failure to give accurate 4 hour notification of landing
	Failure to weigh fish on landing
	Misrecording or under declaration of pelagic species
	Fishing in excess of authorised days
Category 6: Control offences (including Registered Buyers and Sellers and UK licence offences)	
	Breach of licence permit conditions
	Failure to move fishing area (trigger level exceeded in two hauls)
	Failure to carry log book
	Failure to complete log book
	Failure to complete landing declaration
	Incorrect or failure to record species – log book (including 10 per cent margin

	of tolerance)
	Incorrect or failure to record species – landing declaration
	Incorrect or failure to record catch location
	Incorrect or failure to record gear type
	Incorrect gear measurements
	Illegal log book change
	Failure to record transshipment details or submit transshipment declaration
	Failure to submit a log book or log sheet
	Failure to submit a landing declaration
	Late submission of log book
	Late submission of landing declaration
	Incorrect or failure to record effort (Western Waters and recovery areas)
	Failure to provide sales notes
	Inaccurate sales notes
	Late submission of sales notes
	Inaccurate or failure to provide transport documentation
	Failure to submit or inaccurate takeover declaration
	Failure to maintain or have on board a fully operational satellite tracking device
	Failure to provide position reports at required frequency
	Provision of false information to Fisheries Monitoring Centre
	Interfering with transmission of satellite position reports
	Proceeding to sea without authorisation
	Failure to provide manual position reports when requested
	Failure to produce valid EU fishing licence or authorisation
	Incorrect or failure to send hailing in report
	Incorrect or failure to give prior notification of arrival into port
	Transshipping at sea (EU waters)
	Failure to submit log book data by electronic means
	Failure to submit log book data by electronic means daily or at specified times
	Failure to submit landing declaration by electronic means
	Failure to submit landing declaration by electronic means within 24 hours of landing
	Failure to submit transshipment declaration by electronic means
	Failure to retain return message
	Failure to retain elog data until landing declaration submitted
	Failure to transmit manual fishing reports daily or at specified times
	Unauthorised departure from port with non-functioning elog
	Failure to submit sales note by electronic means
	Failure to submit sales note by electronic means within 24 hours
	Failure to submit takeover declaration by electronic means

	Failure to submit takeover declaration by electronic means within 24 hours
	Failure to submit prior notification by electronic means
	Other electronic reporting offences
	Transshipping recovery species without weighing or control observer
	Transshipping pelagic recovery species without notification
	Landing transshipped unweighed pelagic species into non-designated port
	Log book offences – other
	Fishing without the authority of a licence
	Non-carriage of a valid licence
	Non-carriage of valid registration papers
	Failure to register a vessel fishing for profit
	Registered buyer – failure to comply with conditions of registration
	Registered buyer – failure to keep or produce records
	Unregistered buyer
	Buying of fish from unlicensed vessel
	Registered seller – failure to comply with conditions of registration
	Registered seller – failure to keep or produce records
	Unregistered seller
	Sale of fish from unlicensed vessel
	Auction site – failure to comply with conditions of registration
	Fishing with engine power in excess of licence
	Use of uncertified engine
	Failure to provide certification documentation
	Failure to notify new/replacement or modified engine
	Offence – licence conditions (such as potting box)
	Offence – UK quota (including closed fishery to UK vessels)
	Offence – vessel quota (over quota cases)
	Offence – licence conditions – designated ports (not recovery species)
	Licence condition – hake (HKE), megrim (LEZ) or anglerfish (ANF)
	Offence – other licensing offences
	Other EC offences – other offences
	UK legislation – other offences

Category 7: Access offences

	Illegal fishing in British fishery limits – access
	Illegal fishing within 6 mile limit – designation
	Illegal fishing within 12 mile limit – designation
	Illegal fishing within mackerel box (see ECCA)
	Illegal fishing within herring boxes
	Illegal fishing within east coast sprat box
	Illegal fishing in South West herring box (Celtic Sea)

	Illegal fishing in north of Scotland box
	Illegal fishing within Norway pout box
	Illegal fishing in plaice box
	Illegal fishing in Irish Sea (Cod Recovery Plan)
	Illegal fishing in north sea (Cod Recovery Plan)
	Contravention of hake recovery measures
	Illegal fishing in sandeel box
	Illegal fishing within 12 mile limit by beam trawlers
	Illegal fishing in real time closure area
	Closed fishery – scallops
	Fishing for bass in bass nursery area
	Unauthorised fishing in Western Waters by Spanish vessels
	Unauthorised fishing in Western Waters by French vessels
	Unauthorised fishing in Western Waters by Dutch vessels
	Unauthorised fishing in Western Waters by Belgian vessels
	Unauthorised fishing in Western Waters by German vessels
	Unauthorised fishing in Western Waters by Danish vessels
	Unauthorised fishing in Western Waters by Swedish vessels
	Unauthorised fishing in Western Waters by Irish vessels
	Unlicensed fishing by Faroese vessels
	Unlicensed fishing by Norwegian vessels
	Unlicensed fishery – other offences
Proposed domestic offence categories to be included in the extended scheme	
Category 8: Illegal, unreported and unregulated fishing offences	
	Failure to give prior notification
	Transshipping in community waters (third country vessel)
	Failure to obtain a validated catch certificate (imports)
	Illegal targeting of fish subject to a moratorium or prohibited
	Illegal transshipping or operation with IUU vessel
	Illegal operation or supply or employment of Community listed IUU vessel
	Falsification or use of falsified documents
	Illegal movement of controlled consignment
	Disclosure of confidential commission information
Category 9: Undersized fish offences (EU, UK, Wales)	
	Undersize fish – retained or stored or offered for sale
	Undersized – crabs
	Undersized – lobsters
	Undersized – scallops

	Undersized – other UK undersize fish offences
Category 10: Wales (Inshore) access offences	
	Illegal use of Dredges and Beam Trawls in Specified Areas
	Illegal fishing for cockle , Night Gathering
	Illegal scallop fishing - Skomar Specified Area
	Illegal fishing in temporary closed area
	Illegal fishing (excess vessel size)
	Illegal use of Danish and Anchor Seines
	Illegal fishing with towed gear in Specified Area
	Illegal fishing with drift net in Specified Area
	Illegal cockle fishing during closed season
	Illegal Scallop fishing in Specified Area
	Illegal fixed engine (specified area or times)
	Illegal use of trawl and seine nets in Specified Area
Category 11: Wales (Inshore) technical conservation (catch) offences	
	Failure to re-deposit shellfish
	Illegal fishing for winkles (other than by hand picking)
	Exceeding daily catch limit for non permitted fisheries
Category 12: Wales (Inshore) technical conservation (gear) offences	
	Beam Trawls- maximum length
	Incorrect Mesh Size Range Nets (not Trawl or Purse)
	Shrimp/prawn gear - construction
	Illegal bivalve mollusc dredge
	Use of unapproved bivalve fishing instrument
	Failure to clear fixed nets as specified
	Illegally set or unmarked fixed net
	Illegal use of Set or Night Lines (construction or area)
	Failure to mark gear and keep pots
	Illegal use of Beach Drag/Seine Nets (specified construction or conditions of use)
	Illegal setting of Set, Stake and Stop Nets (specified construction or conditions of use)
	Illegal setting of Set a Drift Nets (specified construction or conditions of use)
	Burry Inlet Minimum MSR (any Net)
	Incorrect Mesh Size Range North (not Trawl)
	Foul hooking
Category 13: Wales (Inshore) permit offences	
	Fishing for lobster, crawfish, crab, prawn and whelk without a permit.

	Fishing for cockles in Three Rivers without a permit or conditions of permit
	Fishing without a permit or failure to comply with conditions of permit