

1969 No. 1822

**SEA FISHERIES**

**The Foreign Sea-Fishery Officers (North-East Atlantic Fisheries Commission Scheme) Order 1969**

<i>Made</i>	- - -	17th December 1969
<i>Laid before Parliament</i>		31st December 1969
<i>Coming into Operation</i>		1st January 1970

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State respectively concerned with the sea-fishing industry in Scotland and Northern Ireland) in exercise of the powers conferred on them by section 7(4) of the Sea Fisheries Act 1968(a) and of all other powers enabling them in that behalf hereby make the following Order :—

*Citation and Commencement*

1. This Order may be cited as the Foreign Sea-Fishery Officers (North-East Atlantic Fisheries Commission Scheme) Order 1969 and shall come into operation on 1st January 1970.

*Interpretation*

2.—(1) in this Order :—

“the Act” means the Sea Fisheries Act 1968 ;

“the Commission” means the North-East Atlantic Fisheries Commission established under the Convention ;

“the Convention” means the North-East Atlantic Fisheries Convention signed in London on 24th January 1959(b) ;

“the Convention area” means the area to which the Convention applies, comprising the waters described in Part II of Schedule 1 to this Order ;

“the Scheme” means the Scheme of Joint Enforcement of the Commission which is set out in Part I of Schedule 1 to this Order, being a Recommendation of the Commission which takes effect as an international arrangement by virtue of the agreement thereto of the member states of the Commission, subject to the Reservations mentioned in the said Part I of Schedule 1.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

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(a) 1968 c. 77.  
(c) 1889 c. 63.

(b) Cmnd. 2190.

*Foreign Sea-Fishery Officers*

3. In relation to the Scheme there are hereby specified as foreign sea-fishery officers, entitled to exercise in relation to British fishing boats anywhere within the Convention area outside the fishery limits of the British Islands, the powers referred to in section 9 of the Act, officers of the countries referred to in Schedule 2 to this Order, who are duly appointed by the government of their respective countries as inspectors under the terms of the Scheme and who hold a document of identity in the form approved under the Scheme.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th December 1969.

(L.S.)

*Cledwyn Hughes,*  
Minister of Agriculture,  
Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 11th December 1969.

(L.S.)

*William Ross,*  
Secretary of State for  
Scotland.

Given under the Hand of the Secretary of State for the Home Department on 17th December 1969.

*James Callaghan,*  
Secretary of State for  
the Home Department.

**SCHEDULE 1****PART I***Scheme of Joint Enforcement**Recommendation*

Pursuant to Article 13(3) of the Convention the Commission recommends the establishment of the following arrangements for international control outside territorial waters and fishery limits for the purpose of ensuring the application of the Convention and the measures in force thereunder:—

(1) Control shall be carried out by inspectors of the fishery control services of Contracting States. The names of the inspectors appointed for that purpose by their respective governments shall be notified to the Commission.

(2) Ships carrying inspectors shall fly a special flag or pennant approved by the Commission to indicate that the inspector is carrying out international inspection duties. The names of the ships so used for the time being, which may be either special inspection vessels or fishing vessels, shall be notified to the Commission.

(3) Each inspector shall carry a document of identity supplied by the authorities of the flag state in a form approved by the Commission and given him on appointment stating that he has authority to act under the arrangements approved by the Commission.

(4) Subject to the arrangements agreed under paragraph (9), a vessel of any Contracting State employed for the time being in fishing for sea fish or in the treatment of sea fish in the Convention area shall stop when given the appropriate signal in the International Code of Signals by a ship carrying an inspector unless actually fishing, shooting or hauling, in which case it shall stop immediately it has finished hauling. The master of the vessel shall permit the inspector, who may be accompanied by a witness, to board it. The master shall enable the inspector to make such examination of catch, nets or other gear and any relevant documents as the inspector deems necessary to verify the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned and the inspector may ask for any explanations that he deems necessary.

(5) On boarding the vessel an inspector shall produce the document described in (3) above. Inspections shall be made so that the vessel suffers the minimum interference and inconvenience. An inspector shall limit his enquiries to the ascertainment of the facts in relation to the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned. In making his examination an inspector may ask the master for any assistance he may require. He shall draw up a report of his inspection in a form approved by the Commission. He shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which he may think suitable and must sign such observations. Copies of the report shall be given to the master of the vessel and to the Inspector's Government who shall transmit copies to the appropriate authorities of the flag state of the vessel and to the Commission. Where any infringement of the recommendations is discovered the inspector should where possible also inform the competent authorities of the flag state, as notified to the Commission, and any inspection ship of the flag state known to be in the vicinity.

(6) Resistance to an inspector or failure to comply with his directions shall be treated by the flag state of the vessel as if the inspector were an inspector of that state.

(7) Inspectors shall carry out their duties under these arrangements in accordance with the rules set out in this recommendation but they shall remain under the operational control of their national authorities and shall be responsible to them.

(8) Contracting States shall consider and act on reports of foreign inspectors under these arrangements on the same basis as reports of national inspectors. The provisions of this paragraph shall not impose any obligation on a Contracting State to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting States shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.

(9) (i) Contracting States shall inform the Commission by 1st March each year of their provisional plans for participation in these arrangements in the following year and the Commission may make suggestions to Contracting States for the co-ordination of national operations in this field including the number of inspectors and ships carrying inspectors.

(ii) The arrangements set out in this Recommendation and the plans for participation shall apply between Contracting States unless otherwise agreed between them; and such agreement shall be notified to the Commission:

Provided, however, that implementation of the scheme shall be suspended between any two Contracting States, if either of them has notified the Commission to that effect, pending completion of an agreement.

(10) (i) When nets are inspected the meshes of the cod-end are to be examined with a flat gauge with parallel sides, a thickness of 2 mm. and the appropriate width made of any durable material that will retain its shape and constructed with a wedge shaped section or sections have a taper of 2 cm. in 8 cm. calibrated to measure the width of the meshes in which the section or sections are inserted. An illustration of such a gauge is appended.

(ii) The appropriate width is the appropriate width prescribed in the Commission's recommendations for the type of net inspected and the area on which the inspection takes place which are in force in relation to the flag state of the vessel concerned.

(iii) At least 20 consecutive meshes of the cod-end running parallel to its long axis, starting at least ten meshes from the lacings, are to be examined, or the maximum number if less than 20.

(iv) The gauge should be inserted into the meshes when wet so as to measure the long axis of the mesh when stretched diagonally lengthwise. If the section of the gauge with parallel sides passes easily through a mesh it is not undersized. If the inspector has any doubt as to whether the gauge passes easily through, he shall insert the gauge in the mesh held horizontally and attach a weight of 5 kilogrammes to the gauge and if the section in the gauge with parallel sides passes through the mesh the mesh is not undersized.

(v) The number of undersized meshes and the width of each mesh examined shall be entered in the inspector's report, together with the average width of the meshes examined.

(vi) Inspectors shall have authority to inspect all nets other than those which are dry and stowed away below deck.

(11) The inspector shall affix an identification mark approved by the Commission, to any net which appears to have been used in contravention of the Commission's recommendations in force in relation to the flag state of the vessel concerned and shall record this fact in his report.

(12) The inspector may photograph the net in such a way that the identification mark and the measurement of the net is visible, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag state.

(13) The inspector shall so far as reasonably practicable examine the catch and may take such measurements as he deems necessary to establish whether and to what extent undersized fish of protected species are present in the part of the catch inspected. He shall report his findings including the number of fish measured and the size of any fish which are undersized to the authorities of the flag state of the inspected vessel as soon as possible.

## RESERVATIONS

- (a) As between the Union of Soviet Socialist Republics and other Contracting States the provisions of the Scheme relating to inspection of gear below deck and of catch do not apply.
- (b) As between Poland and other Contracting States the provisions of the Scheme relating to inspection of gear or catch below deck do not apply.
- (c) As between Sweden and other Contracting States the provisions of the Scheme relating to inspection of gear or catch below deck do not apply.

## PART II

### *Convention Area*

All waters which are situated

- (a) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding
  - (i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen, and
  - (ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude.
- (b) within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

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**SCHEDULE 2***Foreign Countries which are parties to the Scheme*

1. Belgium
  2. Denmark
  3. France
  4. Iceland
  5. Norway
  6. Poland
  7. Portugal
  8. Spain
  9. Sweden
  10. Union of Soviet Socialist Republics
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**EXPLANATORY NOTE**

*(This Note is not part of the Order.)*

This Order specifies the class of persons who are to be foreign sea-fishery officers for the purposes of the Scheme of Joint Enforcement of the North-East Atlantic Fisheries Commission. Copies of the illustration of the net measuring gauge referred to in the Scheme (which is scheduled to this Order) may be obtained from the Ministry of Agriculture, Fisheries and Food, Whitehall Place, London, S.W.1, from the Department of Agriculture and Fisheries for Scotland, Argyle House, 3 Lady Lawson Street, Edinburgh EH3 9DR and from the Ministry of Agriculture for Northern Ireland, Dundonald House, Newtownards Road, Belfast BT4 3SB.