

1980 No. 1997

SEA FISHERIES

**The Sea Fish (Conservation) (Enforcement of Miscellaneous
EEC Provisions) (No. 2) Regulations 1980**

Made - - - - - 19th December 1980

Laid before Parliament 19th December 1980

Coming into Operation 20th December 1980

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Sea Fish (Conservation) (Enforcement of Miscellaneous EEC Provisions) (No. 2) Regulations 1980, and shall come into operation on 20th December 1980.

Interpretation

2. In these regulations—

“the Council Regulation” means Council Regulation (EEC) No. 2527/80 laying down technical measures for the conservation of fishery resources (b), as extended(c);

“fishing boat” has the meaning assigned to it by section 19 of the Sea Fisheries Act 1968(d).

Disposal of prohibited and excess by-catches

3. Where a by-catch is retained on board—

(a) by any British fishing boat registered in the United Kingdom, or

(b) in any waters adjacent to the United Kingdom and within British fishery limits by any other fishing boat

in contravention of article 10(2) of the Council Regulation, the master, the owner and the charterer (if any) shall each be guilty of an offence under these regulations.

Trans-shipping of undersized fish

4. Where any undersized fish is trans-shipped—

(a) by a British fishing boat registered in the United Kingdom, or

(a) 1972 c. 68; the Minister of Agriculture, Fisheries and Food and the Secretary of State are Ministers designated in relation to the common agricultural policy by virtue of the European Communities (Designation) Order 1972 (S.I. 1972/1811).

(b) OJ No. L258, 1.10.80, p.1.

(c) By a decision of the Council made at its meeting on 17th December 1980.

(d) 1968 c. 77.

(b) in any waters adjacent to the United Kingdom and within British fishery limits by any other fishing boat
 in contravention of article 11 of the Council Regulation, the master, the owner and the charterer (if any) shall each be guilty of an offence under these regulations.

Trans-shipping, landing, transport or sale of salmon caught outside 12 mile limit

5—(1) Where any salmon (*Salmo salar*) is trans-shipped—

- (a) by a British fishing boat registered in the United Kingdom, or
- (b) in any waters adjacent to the United Kingdom and within British fishery limits by any other fishing boat

in contravention of article 12 of the Council Regulation, the master, the owner and the charterer (if any) shall each be guilty of an offence under these regulations.

(2) Where any salmon is landed in the United Kingdom by any fishing boat in contravention of article 12 of the Council Regulation, the master, the owner and the charterer (if any) shall each be guilty of an offence under these regulations.

(3) Any person who in the United Kingdom—

- (a) transports,
- (b) sells or
- (c) holds in possession, displays or offers for sale

any salmon in contravention of article 12 of the Council Regulation shall be guilty of an offence under these regulations.

Processing operations carried out on fishing vessels

6. Where any processing operation is carried out—

- (a) on a British fishing boat registered in the United Kingdom, or
- (b) in any waters adjacent to the United Kingdom and within British fishery limits on any other fishing boat

in contravention of article 16 of the Council Regulation, the master, the owner and the charterer (if any) shall each be guilty of an offence under these regulations.

Penalties

7. Any person who is guilty of an offence under these regulations shall be liable—

- (a) on summary conviction to a fine not exceeding £1,000; or
- (b) on conviction on indictment to a fine.

Enforcement

8.—(1) The provisions of section 8(2) to (4) of the Sea Fisheries Act 1968(a) (general powers of British sea-fishery officers) shall have effect in relation to these regulations as they have effect in relation to an order made under section 5 of that Act or section 2 of the Fishery Limits Act 1976(b) and, for the purpose of the enforcement of these regulations, there are hereby conferred on every British sea-fishery officer all the powers of a British sea-fishery officer under those subsections.

(a) 1968 c. 77; subsection (4) is amended by the Fishery Limits Act 1976 (c. 86), sections 2(8) and 9(1) and Schedule 2, paragraph 17(1).

(b) 1976 c. 86.

(2) A British sea-fishery officer shall not be liable in any civil or criminal proceedings for anything done in purported exercise of the powers conferred on him by paragraph (1) above if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(3) Any person who on any fishing boat which is within British fishery limits—

- (a) fails to comply with any requirement imposed, or to answer any question asked, by a British sea-fishery officer under the powers conferred on him by paragraph (1) above;
- (b) prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such question; or
- (c) assaults any such officer while exercising any of the powers conferred on him by paragraph (1) above or obstructs any such officer in the exercise of any of those powers

shall be guilty of an offence, and shall, on summary conviction, be liable to a fine not exceeding £400.

Jurisdiction to try offences

9. Proceedings for an offence under the foregoing provisions of these regulations may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

Duration of regulations

10. The provisions of these regulations shall cease to have effect on 31st January 1981.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th December 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

18th December 1980.

George Younger,
Secretary of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply throughout the United Kingdom, provide for the enforcement of certain provisions of Council Regulation (EEC) No. 2527/80 laying down technical measures for the conservation of fishery resources, as extended by a decision of the Council made at its meeting on 17th December 1980. The regulations create offences in respect of contraventions of the following articles of the Council Regulation—

- (a) article 10(2), which relates to the return of prohibited by-catches and excess by-catches to the sea (regulation 3);
- (b) article 11, which relates inter alia to the trans-shipping of undersized fish (regulation 4);
- (c) article 12, which relates to salmon taken outside the 12 mile limit within British fishery limits (regulation 5);
- (d) article 16, which relates to processing operations carried out on a fishing vessel within British fishery limits (regulation 6).

The regulations impose penalties on persons convicted of an offence under the regulations (regulation 7) and also contain provisions relating to enforcement (regulations 8 and 9).

The regulations cease to have effect on 31st January 1981 (regulation 10).

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