
STATUTORY INSTRUMENTS

1994 No. 452

SEA FISHERIES

MARKETING

**The Sea Fish (Marketing Standards)
(Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>28th February 1994</i>
<i>Laid before Parliament</i>		<i>1st March 1994</i>
<i>Coming into force</i>	- -	<i>22nd March 1994</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Sea Fish (Marketing Standards) (Amendment) Regulations 1994 and shall come into force on 22nd March 1994.

Amendment

2. The Sea Fish (Marketing Standards) Regulations 1986⁽³⁾ shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 2 (interpretation)—

(a) after the definition of “Regulation 104/76” there shall be inserted—

““Regulation 3759/92” means Council Regulation (EEC) No.3759/92 on the common organisation of the market in fishery and aquaculture products⁽⁴⁾

(b) in the definition of “specified Community provision” after “Regulation 104/76” there shall be inserted “or Regulation 3759/92”.

(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) S.I. 1986/1272.

(4) OJ No.L388, 31.12.92, p.1, amended by Regulation (EEC) 1891/93 (OJ No.L172, 15.7.93, p.1) and Regulation (EEC) 697/93 (OJ No.L76, 30.3.93, p.12).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4. In paragraphs (1) and (2) of regulation 3 (offences related to marketing) for the words “a fine not exceeding £2,000” there shall be substituted “a fine not exceeding level 5 on the standard scale”.
5. In regulation 4(1) (powers of authorised officers)—
- (a) in sub-paragraph (a) after “Regulation 104/76” there shall be inserted “or Regulation 3759/92”;
- (b) at the end of sub-paragraph (b) there shall be added—
- “and seize any fish in respect of which he has reasonable grounds to suspect that there has been a contravention of, or failure to comply with, article 2 of Regulation 3759/92.”.
6. In regulation 5 (obstruction of officers) for the words “a fine not exceeding £2,000” there shall be substituted “a fine not exceeding level 5 on the standard scale”.
7. At the end of the Schedule there shall be inserted—

Column 1 Article of the Council Regulation	Column 2 Subject matter
Article 2 of Regulation 3759/92	Fisheries products to be marketed only if they comply with the marketing standards in Regulation 3759/92
Articles 19 and 22 to 24 of Regulation 3759/92	Fisheries products to be marketed only if they comply with the relevant price arrangements in Regulation 3759/92

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th February 1994.

L.S.

Scottish Office
17th February 1994

Gillian Shephard
Hector Monro
Minister of Agriculture, Fisheries and
FoodParliamentary Under Secretary of State,

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations (which provide for the enforcement of article 28 of Council Regulation (EEC) No.2847/93 (O. J. No. L261, 20.10.93 p.1, establishing a control system applicable to the common fisheries policy) amend the Sea Fish (Marketing Standards) Regulations 1986 as follows—

(1) articles 2, 19 and 22 to 24 of Council Regulation (EEC) 3759/92 (which replaces Council Regulation (EEC) 3796/81 O. J. No. L379, 31.12.81, p.1) on the common organisation of the market in fishery and aquaculture products are added to the specified Community provisions which must be complied with (regulations 3 and 7);

(2) the maximum level of the fine for failing to comply with a specified Community provision, or for affixing a false label to a lot and for obstructing an authorised officer, has been increased to level 5 on the standard scale (currently £5,000);

(3) the powers of authorised officers have been extended to include the power to effect entry into and inspection of premises where any activity regulated by Regulation 3759/92 is, or is reasonably suspected of being, carried on and to seize fish (regulation 5).

The Compliance Cost Assessment relating to these Regulations is available in the library of each House of Parliament. A copy of it can be obtained from Fisheries II Division of the Ministry of Agriculture, Fisheries and Food, Room 432, Nobel House, 17 Smith Square, London SW1P 3JR.