

1986 No. 926

SEA FISHERIES

COMMUNITY RESTRICTIONS

**The Sea Fishing (Enforcement of Community Control Measures)
(Amendment) Order 1986**

<i>Made</i>	- - - - -	23rd May 1986
<i>Laid before Parliament</i>		10th June 1986
<i>Coming into Operation</i>		1st July 1986

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with sea fishing in Scotland, Wales and Northern Ireland, in exercise of the powers conferred on them by section 30(2) of the Fisheries Act 1981(a), and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1. This order may be cited as the Sea Fishing (Enforcement of Community Control Measures) (Amendment) Order 1986 and shall come into operation on 1st July 1986.

Amendment of the Sea Fishing (Enforcement of Community Control Measures) Order 1985

2. The Sea Fishing (Enforcement of Community Control Measures) Order 1985(b) shall be amended in accordance with the following provisions of this order.

Article 2

3. Article 2 shall be amended—

(a) by inserting in the definition of the Council Regulation after the words “as amended by Council Regulation (EEC) No 1729/83” the words “and by Council Regulation (EEC) No 3723/85(c)”;

(b) by adding after the definition of the Council Regulation the following definition:—

““fishing boat” includes a receiving vessel and a third vessel within the meaning in each case of the Council Regulation;”.

(a) 1981 c. 29.

(b) S.I. 1985/487.

(c) OJ No L361, 31.12.85, p. 42.

Article 3

4. For article 3(1) there shall be substituted the following paragraph:—

“3.—(1) Where there is, in respect of—

(a) any British fishing boat wherever it may be; or

(b) any other fishing boat which is within British fishery limits,

a contravention of, or failure to comply with, any provision of the Council Regulation specified in the Schedule to this order as read with any qualification mentioned in relation thereto, the master, the owner and the charterer (if any) shall each be guilty of an offence.”.

Article 6

5. In article 6(3)(b) there shall be substituted for the words “its fishing operations” the words “any fishing operations”.

Schedule

6. For the Schedule there shall be substituted the Schedule contained in the Schedule to this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd May 1986.



Michael Jopling,
Minister of Agriculture, Fisheries and Food.

Gray of Contin,
Minister of State, Scottish Office.

22nd May 1986.

Nicholas Edwards,
Secretary of State for Wales.

23rd May 1986.

Tom King,
Secretary of State for Northern Ireland.

22nd May 1986.

Article 6

SCHEDULE

"SCHEDULE

Articles 3(1) and 4(1)

COMMUNITY PROVISIONS
CONTRAVENTION OF WHICH CONSTITUTES AN OFFENCE

Column 1	Column 2	Column 3
Provision of the Council Regulation	Subject matter	Maximum amount of fine
1. Article 2(2), and the 4th indent of article 7(2), of the Council Regulation	Requirements to co-operate in facilitating inspections and to permit verification of information relating to trans-shipments	£5,000
2. Article 3 of the Council Regulation, as read with article 1 of, and annexes I, II, IV, V, VI and VII to, the Commission Regulation	Keeping and return of logbooks	£2,000
3. Article 6 or 7 (except the 4th indent of paragraph (2)) of the Council Regulation, as read with article 2 of, and annexes I, III, IV, V and VII to, the Commission Regulation	Keeping and submission of information relating to catches landed, trans-shipped or received by trans-shipment	£2,000
4. Article 8 of the Council Regulation, as read with article 3 of, and annex VIII to, the Commission Regulation	Submission of information where landing or trans-shipment takes place more than 15 days after catch	£2,000
5. Article 10(3) of the Council Regulation second sub-paragraph, in so far as it relates to retention on board, trans-shipment, landing, arranging for trans-shipment or arranging for landing	Prohibitions on retention on board, trans-shipment, landing, arranging for trans-shipment and arranging for landing which apply on exhaustion of quota	£5,000
6. Article 11 of the Council Regulation	Requirement to stow nets	£5,000"

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order amends the Sea Fishing (Enforcement of Community Control Measures) Order 1985 in consequence of the amendments made to Council Regulation (EEC) No 2057/82 establishing certain control measures for fishing activities by vessels of the Member States by Council Regulation (EEC) No 3723/85. Those amendments—

- (a) enable proceedings in respect of contraventions of Council Regulation (EEC) No 2057/82 (as amended) to be instituted against the owner or charterer (if any) of a boat as well as the master;
- (b) require the masters of vessels receiving trans-shipped fish to keep records, and to submit information, relating to trans-shipments, and also to permit the verification of such records and information.

In consequence of those amendments the 1985 order is amended—

- (a) by amending the definition of the Council Regulation and by adding a definition of fishing boat which includes vessels receiving trans-shipped fish (article 3);
- (b) by substituting a new paragraph for article 3(1), which specifies the persons who are guilty of an offence if there is a contravention of a provision of the Council Regulation (article 4);
- (c) by making a consequential amendment to the powers of British sea-fishery officers (article 5);
- (d) by substituting for the Schedule a new Schedule which incorporates amendments consequential upon the amendments to Council Regulation (EEC) No 2057/82 and also minor and drafting amendments (article 6).

SI 1986/926
ISBN 0-11-066926-6

