

1989 No. 1190

SEA FISHERIES

The Fisheries Act 1981 (Amendment) Regulations 1989

Made - - - - - *11th July 1989*

Coming into force *12th July 1989*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred on them by that section and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has been approved by resolution of each House of Parliament:

Title and commencement

1. These Regulations may be cited as the Fisheries Act 1981 (Amendment) Regulations 1989, and shall come into force on the day after the day on which these Regulations are made.

Amendment of the Fisheries Act 1981

2.—(1) The Fisheries Act 1981(c) shall be amended in accordance with the following provisions of this Regulation.

(2) In section 2 (duties of the Sea Fish Industry Authority) at the beginning of subsection (1) there shall be inserted the words “Subject to subsection (2A) below” and after subsection (2) there shall be inserted the following subsection—

“(2A) If any levy imposed under section 4 below has effect in relation to sea fish or sea fish products from the sea fish industries of member States other than the United Kingdom, the Authority shall so exercise its powers under this Part of this Act as to secure that benefits are conferred on those industries commensurate with any burden directly or indirectly borne by them in consequence of the levy”;

and, in subsection (3) for the words “subsection (1) above” there shall be substituted the words “subsections (1) and (2A) above”.

(3) In section 3(5) (which provides that the Authority shall not provide services for persons concerned with sea fish industries of other countries unless the full cost is recovered by fees) for the words from “unless” to “and” there shall be substituted the words “unless—

(a) in the case of a country which is not a member State, the full cost of the services is recovered by fees; and

(b) ”.

(4) In section 14(2) (definition of “sea fish industry”) for the words “section 3(5)” there shall be substituted the words “sections 2(2A) and 3(5)”.

(a) S.I. 1972/1811.

(b) 1972 c.68, to which there are amendments not relevant to these Regulations.

(c) 1981 c.29.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is herunto affixed on 10th July 1989.



John McGregor
Minister of Agriculture, Fisheries and Food

11th July 1989

Sanderson of Bowden
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Part I of the Fisheries Act 1981 ("the Act"), which makes provision for the establishment of the Sea Fish Industry Authority. The Regulations are made in implementation of the Community obligation (which arises under article 95 of the Treaty establishing the European Economic Community) not to impose on the products of other member States internal taxation in excess of that imposed on similar domestic products.

Section 2 of the Act (duties of the Authority) is amended so as to require that if any levy imposed under section 4 has effect in relation to sea fish or sea fish products from the sea fish industries of member States other than the United Kingdom, the Authority shall so exercise its powers under Part I of the Act as to secure that benefits are conferred on those industries of those States commensurate with any burden directly or indirectly borne by them in consequence of the levy. Amendments consequential to this amendment are made to subsection (3) of section 2 (Ministers' power to give directions) and to section 14 (definition of sea fish industry) (article 2(2)).

Section 3 is amended so that the Authority is not required to recover the cost of services provided for persons concerned with the sea fish industry of another member State (article 2(3)).

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