
STATUTORY INSTRUMENTS

1991 No. 335

SEA FISHERIES
COMMUNITY RESTRICTIONS

The Sea Fishing (Days in Port) (Amendment) Regulations 1991

Made - - - - *26th February 1991*
Laid before Parliament *27th February 1991*
Coming into force - - *1st March 1991*

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 Economic 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Sea Fishing (Days in Port) (Amendment) Regulations 1991 and shall come into force on 1st March 1991.

(2) In these Regulations “the principal Regulations” means the Sea Fishing (Days in Port) Regulations 1991⁽³⁾.

Amendment of the principal Regulations

2. The principal Regulations are hereby amended in accordance with regulations 3 to 6 below.

3. In regulation 2(1) thereof (interpretation)—

(a) there shall be inserted after the words “In these Regulations—” the following definition—

““the appropriate Minister” means—

(i) in relation to England, the Minister of Agriculture, Fisheries and Food,

(1) S.I. 1972/1811.

(2) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, with sections 37, 40 and 46 of the Criminal Justice Act 1982 (c. 48), section 52(4) of the Criminal Justice Act 1988 (c. 33) and S.I. 1984/447, as regards Scotland, with sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21) as inserted by section 54 of the Criminal Justice Act 1982, S.I. 1984/526 and section 66 of the Criminal Justice (Scotland) Act 1987 (c. 41) and, as regards Northern Ireland, with S.I. 1984/703 (N.I. 3) and S.R. (N.I.) 1984 No. 253.

(3) S.I. 1991/139.

- (ii) in relation to Scotland or Wales, the Secretary of State,
 - (iii) in relation to Northern Ireland, the Department of Agriculture for Northern Ireland;”;
- (b) there shall be inserted after the definition of “British sea-fishery officer” the following definition—
- ““the Council Regulation” means Council Regulation (EEC) No. 3926/90 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1991 and certain conditions under which they may be fished(4);”.
4. For regulation 3 thereof (scope) there shall be substituted the following regulation—
- “3.—(1) Subject to paragraph (2) below, these Regulations apply to—
- (a) any fishing vessel which is registered in the United Kingdom where the vessel has an overall length that exceeds 10 metres and its landings of cod and haddock from the sea areas described in Schedule 1 during the period 1st January 1989 to 30th June 1990 exceeded 100 tonnes and 40% by weight of its total landings, and
 - (b) any vessel replacing a vessel in the category referred to in sub-paragraph (a) above.
- (2) These Regulations do not apply to any fishing vessel for the time being exempted by the appropriate Minister pursuant to the decision of the Commission of the European Communities dated 13th February 1991 issued under Article 13 of the Council Regulation.”.
5. In regulation 5 thereof (offences) there shall be substituted for paragraph (1) the following paragraphs—
- “(1) Where a vessel to which these Regulations apply does not remain in port in accordance with regulation 4(1) or 4(5), its master, owner and charterer (if any) shall each, in the absence of a reasonable excuse, be guilty of an offence.
- (1A) Any master, owner or charterer of a vessel to which these Regulations apply who in purported compliance with regulation 4(3), 4(4) or 4(5) furnishes any information which he knows to be false in a material particular or recklessly furnishes any information which is false in a material particular shall be guilty of an offence.”.
6. In regulation 6(1) thereof (penalties) in paragraph (1) there shall be inserted after the words “regulation 5(1)” the words “or 5(1A)”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

26th February 1991.

Trumpington
Minister of State, Ministry of Agriculture,
Fisheries and Food

26th February 1991

Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

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

EXPLANATORY NOTE

This note is not part of the Regulations)

These Regulations amend the Sea Fishing (Days in Port) Regulations 1991 (“the principal Regulations”) which make provision for the enforcement throughout the United Kingdom of Article 13 of Council Regulation (EEC) No. 3926/90, fixing for certain fish stocks and groups of fish stocks, the total allowable catches for 1991 and certain conditions under which they may be fished. The present Regulations make provision for fishing vessels to be exempted from the requirement in the principal Regulations to remain in port for 8 consecutive days in each calendar month (regulation 4). The amendment is consequent upon a decision of the Commission of the European Communities relating to fishing gear. The decision was communicated to the United Kingdom authorities by letter dated 13th February 1991. Copies of the letter are available from the Ministry of Agriculture, Fisheries and Food, Nobel House, 17 Smith Square, London SW1P 3JR, the Scottish Office Agriculture and Fisheries Department, Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TW, the Welsh Office Agriculture Department, Cathays Park, Cardiff CF1 3NQ and the Department of Agriculture for Northern Ireland, Hut 5, Castle Grounds, Stormont, Belfast BT4 3TA.

The Regulations also insert two new definitions in the principal Regulations (regulation 3) and make some drafting corrections (regulations 5 and 6).