
STATUTORY INSTRUMENTS

1992 No. 1084

SEA FISHERIES

The Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) (No.2) Order 1992

<i>Made</i>	- - - -	<i>28th April 1992</i>
<i>Laid before Parliament</i>		<i>11th May 1992</i>
<i>Coming into force</i>	- -	<i>1st June 1992</i>

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) and (3) of the Fisheries Act 1981⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) (No.2) Order 1992 and shall come into force on 1st June 1992.

(2) In this Order “the principal Order” means the Sea Fishing (Enforcement of Community Conservation Measures) Order 1986⁽²⁾.

Amendment of the principal Order

2. The principal Order shall be amended in accordance with articles 3 and 4 below.

3. In article 2 thereof (interpretation) there shall be substituted for the definition of the Council Regulation the following definition—

““the Council Regulation” means Council Regulation (EEC) No.3094/86 laying down certain technical measures for the conservation of fishery resources⁽³⁾, as amended by Council Regulation (EEC) No.4026/86⁽⁴⁾, Council Regulation (EEC) No.2968/87⁽⁵⁾, Council Regulation (EEC) No.3953/87⁽⁶⁾, Council Regulation (EEC) No.1555/88⁽⁷⁾, Council Regulation

(1) 1981 c. 29.

(2) S.I.1986/2090, amended by S.I.1992/263.

(3) OJ No.L288, 11.10.86, p.1.

(4) OJ No.L376, 31.12.86, p.1.

(5) OJ No.L280, 3.10.87, p.1.

(6) OJ No.L371, 30.12.87, p.9.

(7) OJ No.L140, 7.6.88, p.1.

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(EEC) No.2024/88(8), Council Regulation (EEC) No.3287/88(9), Council Regulation (EEC) No.4193/88(10), Council Regulation (EEC) No.2220/89(11), Council Regulation (EEC) No.4056/89(12), Council Regulation (EEC) No.3500/91(13) and Council Regulation (EEC) No.345/92(14);”

4. For Schedule 1 thereto (maximum fines on summary conviction apart from fines related to value of fish) there shall be substituted the Schedule to this Order.

Revocation

5. The Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) Order 1992(15) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th April 1992.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

27th April 1992

Sir Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

23rd April 1992

David Hunt
Secretary of State for Wales

28th April 1992

Sir Patrick Mayhew
Secretary of State for Northern Ireland

(8) OJ No.L179, 9.7.88, p.1.
(9) OJ No.L292, 26.10.88, p.5, as corrected in OJ No.L8, 11.1.89, p.22.
(10) OJ No.L369, 31.12.88, p.1.
(11) OJ No.L211, 22.7.89, p.6.
(12) OJ No.L389, 30.12.89, p.75.
(13) OJ No.L331, 3.12.91, p.2.
(14) OJ No.L42, 18.2.92, p.15.
(15) S.I.1992/263.

SCHEDULE

Article 4

CONTAINING NEW SCHEDULE 1 TO THE PRINCIPAL ORDER

“SCHEDULE 1

Article 4(1)

MAXIMUM FINES ON SUMMARY CONVICTION
(APART FROM FINES RELATED TO VALUE OF FISH)

Column 1 Provision of the Council Regulation	Column 2 Subject matter	Column 3 Amount
1. Article 2	Provisions relating to specified gear, mesh sizes and composition of catches	£5,000
2. Article 4	Attachments to nets	£5,000
3. Article 5, in so far as it relates to trans-shipment into a vessel	Disposal of undersized fish	£50,000
4. Article 5, in so far as it relates to retention on board, trans-shipment from a vessel or landing	Disposal of undersized fish, prohibition on landing of lobster tails or claws and restriction on landing scallops	£2,000
5. Article 6, in so far as it relates to trans-shipment into a vessel	Disposal of salmon and sea trout	£50,000
6. Article 6 in so far as it relates to retention on board, trans-shipment from a vessel or landing	Disposal of salmon and sea trout	£5,000
7. Article 7(3)	Prohibition on retaining herring on board	£5,000
8. Article 7a, in so far as it relates to waters outside British fishery limits	Prohibitions on fishing for sprat in specified waters off the west coast of Denmark and in the Skaggerak and Kattegat	£50,000
9. Article 8(1), as read with Article 8(2) and the first sentence of Article 8(3)	Prohibitions on retaining on board mackerel caught in specified waters in Western English Channel and south-east of Ireland	£5,000
10. Article 8(3), except the first sentence	Notification requirements	£2,000
11. Article 9(1) to (4) and (8) to (10)	Limitations on use of specified vessels or gear and prohibitions on retaining specified fish on board	£5,000

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Column 1 Provision of the Council Regulation	Column 2 Subject matter	Column 3 Amount
12. Article 9(15)	Prohibition on fishing with certain gear in specified waters off the coasts of Spain and Portugal	£50,000
13. Article 9(16)	Prohibition on carriage on board of automatic sorting equipment	£5,000
14. Article 9a	Provisions relating to drift nets	£5,000
15. Article 10	Prohibition of processing operations on board	£2,000”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sea Fishing (Enforcement of Community Conservation Measures) Order 1986, as amended, (“the principal Order ”) which makes provision for the enforcement of certain of the enforceable Community restrictions and obligations concerning technical measures for the conservation of fishery resources which are contained in Council Regulation (EEC) No. 3094/86, as previously amended. The principal Order creates offences in respect of breaches of the provisions of that Council Regulation referred to in column 1 (and briefly described in column 2) of Schedule 1 to that Order and in article 3(2) of that Order. The principal Order also specifies penalties for such offences and confers powers of enforcement.

In consequence of that Council Regulation having been amended by Council Regulation (EEC) No. 345/92, article 3 of this Order further updates the definition of “the Council Regulation ” in article 2 of the principal Order (interpretation), and article 4 of this Order substitutes a new Schedule 1 to the principal Order. The amendments made by Council Regulation (EEC) No. 345/92 include in particular—

- (a) provisions relating to the number of meshes in the circumference of the cod-end of certain nets and relating to square-meshed netting in such nets (Article 1(1));
- (b) prohibitions on fishing for sprat in specified waters off the west coast of Denmark and in the Skaggerak and Kattegat (Article 1(6));
- (c) prohibitions on fishing with certain gear in specified waters off the coasts of Spain and Portugal (Article 1(7));
- (d) a prohibition on the carriage on board of automatic sorting equipment (Article 1(7));
- (e) provisions relating to drift nets (Article 1(8)).

The Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) Order 1992 is superseded by this Order and is revoked (article 5).

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