
STATUTORY INSTRUMENTS

1992 No. 2936

SEA FISHERIES

The Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) (No. 5) Order 1992

<i>Made</i>	- - - -	<i>23rd November 1992</i>
<i>Laid before Parliament</i>		<i>25th November 1992</i>
<i>Coming into force</i>	- -	<i>26th November 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. 5) Order 1992 and shall come into force on 26th November 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 (EEC) No. 2024/88⁽⁸⁾, Council Regulation (EEC)

(1) 1981 c. 29.

(2) S.I.1986/2090, amended by S.I. 1992/1084, 2017.

(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.

Status: This is the original version (as it was originally made).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

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), Council Regulation (EEC) No. 345/92(14), Council Regulation (EEC) No. 1465/92(15), Council Regulation (EEC) No. 2120/92(16) and Council Regulation (EEC) No. 3034/92(17);”.

4. In Schedule 1 thereto (maximum fines on summary conviction apart from fines related to value of fish) there shall be inserted after paragraph 13 the following paragraph in columns 1, 2 and 3—

“13A. Article 9(17)	Provisions relating to purse seine nets	£5,000”
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Revocation

5. The Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) (No. 4) Order 1992(18) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th November 1992.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

19th November 1992

Hector Monro
Parliamentary Under Secretary of State, Scottish Office

19th November 1992

Gwilym Jones
Parliamentary Under Secretary of State, Welsh Office

23rd November 1992

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) OJ No. L155, 6.6.92, p.1.
(16) OJ No. L213, 29.7.92, p.3.
(17) OJ No. L307, 23.10.92, p.1.
(18) S.I. 1992/2017.

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. 3034/92, article 3 of this Order further updates the definition of “the Council Regulation” in article 2 of the principal Order (interpretation). The amendments made by Council Regulation (EEC) No. 3034/92 relate to the use of purse seine nets. Article 4 of this Order inserts a reference to this provision in Schedule 1 to the principal Order.

The Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) (No. 4) Order 1992 is superseded by this Order and is revoked (article 5).