
STATUTORY INSTRUMENTS

1996 No. 2433

SEA FISHERIES

**The Sea Fishing (Enforcement of Community
Quota Measures) (Amendment) Order 1996**

Made - - - - *19th September 1996*
Laid before Parliament *20th September 1996*
Coming into force - - *11 October 1996*

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(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 Quota Measures) (Amendment) Order 1996 and shall come into force on 11 October 1996.

(2) In this Order “the principal Order” means the Sea Fishing (Enforcement of Community Quota Measures) Order 1996(2).

Amendment of the principal Order

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

3. In article 2 of the principal Order—

(a) for paragraph (1) there shall be substituted the following paragraph—

“(1) In this Order—

“British fishing boat” means a boat which is registered in the United Kingdom, the Isle of Man or any of the Channel Islands;

“Regulation 3074/95” means Council Regulation (EC) No. 3074/95 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished(3) as amended(4);

(1) 1981 c. 29; see section 30(3) for the definitions of “enforceable Community restriction”, “enforceable Community obligation” and “the Ministers”.

(2) S.I.1996/247.

(3) OJ No. L330, 30.12.95, p.1.

(4) Relevant amending regulations of the European Community are Council Regulation (EC) No. 1088/96 (OJ No. L144, 18.6.96, p.1) and Regulation 1602/96.

“Regulation 1602/96” means Council Regulation (EC) No. 1602/96 fixing special management measures for North Sea herring and amending Regulation (EC) No. 3074/95(5);

“specified Community provision” means a provision of a regulation of the European Community referred to in column 1 of the Schedule to this Order which is specified in column 2 of that Schedule, opposite the reference to that regulation, as read with any qualifying words relating to that provision in that column.”;

(b) at the end of the article there shall be inserted the following paragraph—

“(3) For the purpose of the prohibition contained in Article 1 of Regulation 1602/96 the harbours at which a fishing boat to which this Order applies may land catches of fish containing unsorted herring are—

(a) Aberdeen;

(b) Lerwick;

(c) any other harbour within British fishery limits whose sampling systems a British sea-fishery officer at that harbour decides, having regard to the overall size and characteristics of the catch, to be adequate for the purpose following application by the master of the boat to a British sea-fishery officer at that harbour before the landing of the catch,

and where a British sea-fishery officer has made a decision as to the adequacy of a harbour in accordance with sub-paragraph (c) above he shall notify the master of the boat accordingly.”.

4. For the Schedule to the principal Order there shall be substituted the Schedule to this Order.

18th September 1996

Tim Boswell
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

Scottish Office
17th September 1996

Raymond Robertson
Parliamentary Under Secretary of State,

Signed by authority of the Secretary of State for Wales

Welsh Office
18th September 1996

Jonathan Evans
Parliamentary Under Secretary of State,

19th September 1996

Denton
Secretary of State for Northern Ireland

SCHEDULE

Article 4

CONTAINING A NEW SCHEDULE TO THE PRINCIPAL ORDER

“SCHEDULE

Articles 2(1) and 4(1)

SPECIFIED COMMUNITY PROVISIONS AND MAXIMUM FINES ON
SUMMARY CONVICTION (APART FROM FINES RELATED TO VALUE OF FISH)

Column 1 <i>Regulation of the European Community</i>	Column 2 <i>Provision</i>	Column 3 <i>Subject matter</i>	Column 4 <i>Maximum fine on summary conviction</i>
1. Regulation 3074/95			
	(a) Article 5.1, in so far as that paragraph relates to retaining on board or landing	Prohibitions on retaining on board or landing catches from stocks for which total allowable catches or quotas are fixed and have been exhausted	£50,000
	(b) Article 5.1 and 5.2, in so far as those paragraphs relate to catch composition or sorting	Prohibitions in certain circumstances on retaining on board or landing catches having a certain composition or which have been sorted	The statutory maximum
	(c) Article 5.2a(6)	Prohibition on landing catches which are unsorted and contain herring when the catch limitations set out in Annex II to Regulation 3074/95 have been exhausted	The statutory maximum
2. Regulation 1602/96			
	(a) Article 1	Prohibition on landing catches containing unsorted herring in harbours where adequate sampling systems are not in place(7)	The statutory maximum

(6) Article 5.2a was inserted by Article 7.1 of Regulation 1602/96.

(7) That is, any harbour other than a harbour to which article 2(3) refers.

Column 1 <i>Regulation of the European Community</i>	Column 2 <i>Provision</i>	Column 3 <i>Subject matter</i>	Column 4 <i>Maximum fine on summary conviction</i>
	(b) Article 6.3	Prohibition on offering for sale for human consumption of herring landed by vessels carrying towed nets of a minimum mesh size less than 32mm	The statutory maximum”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sea Fishing (Enforcement of Community Quota Measures) Order 1996 (“the principal Order”), which makes provision for the enforcement of certain of the enforceable Community restrictions and other obligations relating to sea fishing set out in Council Regulation (EC) No. 3074/95 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished (“the First Council Regulation”). The Order is needed as a result of amendments to the First Council Regulation and other special provisions made by Council Regulation (EC) No. 1602/96 fixing special management measures for North Sea herring (“the Second Council Regulation”). Both the First and Second Council Regulations apply until 31st December 1996.

The Order replaces the Schedule to the principal Order and creates new offences in respect of the following prohibitions contained in the Second Council Regulation:

- (a) a prohibition on the landing of catches containing unsorted herring in harbours where adequate sampling systems are not in place (Article 1 of the Second Council Regulation);
- (b) a prohibition on the offering for sale for human consumption of herring landed by vessels carrying towed nets of a minimum mesh size less than 32mm (Article 6.3 of the Second Council Regulation);
- (c) a prohibition on the landing of catches which are unsorted and contain herring when the catch limitations set out in Annex II to the first Council Regulation have been exhausted (Article 7.1 of the Second Council Regulation, which inserted a new Article 5.2a of the first Council Regulation).

The penalty for each of these new offences is the statutory maximum, which is currently £5,000, and may include the forfeiture of fish, nets and other fishing gear (see article 4 of the principal Order).

(6) Article 5.2a was inserted by Article 7.1 of Regulation 1602/96.

(7) That is, any harbour other than a harbour to which article 2(3) refers.