
STATUTORY INSTRUMENTS

2000 No. 1081

SEA FISHERIES, ENGLAND
SEA FISHERIES, NORTHERN IRELAND

The Sea Fishing (Enforcement of Community
Conservation Measures) Order 2000

<i>Made</i>	- - - -	<i>14th April 2000</i>
<i>Laid before Parliament</i>		<i>19th April 2000</i>
<i>Coming into force</i>	- -	<i>15th May 2000</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) of the Fisheries Act 1981(1) and of all other powers enabling them in that behalf, hereby make the following Order:

Title, commencement and extent

1.—(1) This Order may be cited as the Sea Fishing (Enforcement of Community Conservation Measures) Order 2000 and shall come into force on 15th May 2000.

(2) Subject to paragraph (3), this Order shall not form part of the law of Scotland.

(3) Nothing in paragraph (2) shall be treated as prejudicing the effect in Scotland of section 30(2A) of the Fisheries Act 1981(2) in relation to, or for purposes incidental to, any provision in this Order which creates an offence.

Interpretation

2.—(1) In this Order—

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- (1) [1981 c. 29](#). See section 30(3) for the definitions of “enforceable Community restriction”, “enforceable Community obligation” and “the Ministers”, as modified by Schedule 2, paragraph 68(5) of the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. [1999/1820](#)). Article 3(1) and Schedule 1 of the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. [1999/1592](#)) provide for the functions exercisable under section 30(2) of the 1981 Act to be exercised by the Ministers, concurrently with Scottish Ministers, in relation to: relevant British fishing boats within the Scottish zone; and Scottish fishing boats within British fishery limits but outside the Scottish zone. By virtue of article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. [1999/672](#)) the functions exercisable under section 30(2) of the 1981 Act were transferred to the National Assembly in so far as exercisable in relation to Wales (defined in section 155(1) of the Government of Wales Act [1998 \(c. 38\)](#) as including “the sea adjacent to Wales out as far as the seaward boundary of the territorial sea”); in respect of waters beyond Wales these functions remain exercisable by the Ministers.
- (2) Section 30(2A) was inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. [1999/1820](#)).

“British fishing boat” means a fishing boat which is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995⁽³⁾ or is owned wholly by persons qualified to own British ships for the purposes of that part of that Act;

“the Council Regulation” means Council Regulation (EC) No. 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁽⁴⁾, as corrected by Corrigendum to Annex XII of the Council Regulation⁽⁵⁾, and amended by Council Regulation (EC) No. 308/1999⁽⁶⁾, Council Regulation (EC) No. 1459/99⁽⁷⁾ and Council Regulation (EC) No. 2723/1999⁽⁸⁾;

“fish” includes crustacea, molluscs and parts of fish;

“fisheries products” includes fish;

“fishing boat” includes a receiving vessel and a third country vessel, within the meaning of Regulation 2847/93;

“local fisheries committee” means a local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the Sea Fisheries Regulation Act 1966⁽⁹⁾;

“Regulation 2847/93” means Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy⁽¹⁰⁾;

“Regulation 894/97” means Council Regulation (EC) No. 894/97 laying down certain technical measures for the conservation of fishery resources⁽¹¹⁾;

“Regulation 2742/99” means Council Regulation (EC) No. 2742/1999 fixing for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required and amending Regulation (EC) No. 66/98⁽¹²⁾, as corrected by a Corrigendum⁽¹³⁾;

“relevant British fishing boat” means a British fishing boat which is not a Scottish fishing boat;

“relevant offence” means an offence under:

- (a) article 3 of this Order, or
- (b) any provision in any other order extending to any part of the United Kingdom made for the purposes of implementing a specified Community measure, being a provision in respect of which, by virtue of section 30(2A) of the Fisheries Act 1981, proceedings may be commenced in any place in the United Kingdom;

“specified Community measure” means a provision of Regulation 894/97 or of the Council Regulation or of Regulation 2742/99, which is specified in column 1 of the Schedule, as read with any qualifying words relating to that provision in that column;

“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;

(3) 1995 c. 21.

(4) OJ No. L125, 27.4.98, p. 1.

(5) OJ No. L318, 27.11.98, p. 63.

(6) OJ No. L038, 12.2.99, p. 6.

(7) OJ No. L168, 3.7.99, p. 1.

(8) OJ No. L328, 22.12.99, p. 9.

(9) 1966 c. 38, section 1 was repealed in part by the Local Government Act 1972 (c. 70), section 272(1) and Schedule 30; and substituted in part by the Local Government Act 1985 (c. 51), section 16 and Schedule 8, paragraph 19.

(10) OJ No. L261, 20.10.93, p. 1, as last amended by Council Regulation (EC) No. 2846/98 (OJ No. L358, 31.12.98, p. 5).

(11) OJ No. L132, 23.5.97, p. 1, as amended by Council Regulation (EC) No. 1239/98 (OJ No. L171, 17.6.98, p. 1). With the exception of Articles 11, 18, 19 and 20, Regulation 894/97 is repealed by Article 49 of the Council Regulation as from 1 January 2000.

(12) OJ No. L341, 31.12.99, p. 1.

(13) OJ No. L31, 5.2.2000, p. 89.

“Scottish zone” has the same meaning as in the Scotland Act 1998(14).

(2) In this Order—

- (a) the term “within relevant British fishery limits” does not include—
 - (i) the Scottish zone;
 - (ii) the territorial sea adjacent to Wales;
 - (iii) the territorial sea adjacent to the Isle of Man;
 - (iv) the territorial sea adjacent to Jersey; and
 - (v) seas within British fishery limits adjacent to Guernsey, as defined by section 8 of the Fishery Limits Act 1976(15);
- (b) any reference to any relevant British fishing boat “wherever it may be” does not include such a fishing boat while in the territorial sea adjacent to Wales;
- (c) any reference to a document, logbook or declaration includes, in addition to a document, logbook or declaration in writing—
 - (i) any map, plan, graph or drawing;
 - (ii) any photograph;
 - (iii) any data, howsoever reproduced, communicated via a satellite-based vessel monitoring system established under Article 3.1 of Regulation 2847/93;
 - (iv) any disk, tape, sound track or other device in which sounds or other data (not being visual images) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
 - (v) any film (including microfilm), negative, tape, disk or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom.

(3) Any reference in this Order—

- (a) to “the Schedule” is a reference to the Schedule to this Order; and
- (b) to a Community instrument is a reference to that instrument and any amendment of such instrument in force on the date this Order is made.

(4) Column 2 of the Schedule (which provides in relation to each specified Community provision an indication of the subject matter of the provision) shall not be read as limiting the scope of any specified Community provision and shall be disregarded in relation to any question arising as to the construction of this Order.

Offences

3.—(1) Where there is, in respect of—

- (a) any relevant British fishing boat wherever it may be;
- (b) any other fishing boat which is within relevant British fishery limits;
- (c) the entry into relevant British fishery limits by any fishing boat; or
- (d) any fisheries products, premises or vehicle in England or Northern Ireland,

a contravention of, or failure to comply with, any specified Community measure, the master, the owner and the charterer (if any) shall each be guilty of an offence.

(14) 1998 c. 46; see section 126 and the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126).

(15) 1976 c. 86; as modified by paragraph 3(c) of the Schedule to the Fishery Limits Act 1976 (Guernsey) Order 1989 (S.I. 1989/2407).

(2) Subject to paragraph (3) below, any person who, in England or Northern Ireland, lands, transports, stores, sells, displays or offers for sale—

- (a) any fish in contravention of article 19(1) of the Council Regulation, or
- (b) any salmon (*Salmo salar*) or sea trout (*Salmo trutta*) in contravention of articles 26(1) or 36 of the Council Regulation,

shall be guilty of an offence.

(3) Paragraph (2) above shall not apply to a person who lands a fish, salmon or sea trout if that person is guilty of an offence under paragraph (1) above as respects the landing of that fish, salmon or sea trout.

Penalties

4.—(1) A person guilty in England or Northern Ireland of an offence under article 3(1) of this Order, or under any equivalent provision in any other order extending to any part of the United Kingdom proceedings in respect of which were brought in England or Northern Ireland by virtue of section 30(2A) of the Fisheries Act 1981, shall be liable—

- (a) on summary conviction to a fine not exceeding the amount specified in column 3 of the Schedule in relation to the specified Community measure, the contravention of, or failure to comply with, which founded the offence;
- (b) on conviction on indictment to a fine.

(2) A person found guilty in England or Northern Ireland of an offence under article 3(2) of this Order, or under any equivalent provision in any other order extending to any part of the United Kingdom proceedings in respect of which were brought in England or Northern Ireland by virtue of section 30(2A) of the Fisheries Act 1981, shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment to a fine.

(3) Subject to the following provisions of this article, the court by or before which a person is convicted of a relevant offence may order the forfeiture of:

- (a) any fish in respect of which the offence was committed; and
- (b) in respect of an offence under article 3(1) of this Order, any net or other fishing gear used in committing the offence.

(4) Any person found guilty of a relevant offence shall, subject to paragraph (6), be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(5) A person shall not be liable to a fine under paragraph (4) in respect of a relevant offence if, under paragraph (3), the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under paragraph (4) in respect of any relevant offence, the court shall not have power under paragraph (3) to order the forfeiture of the fish in respect of which the relevant offence was committed.

(6) Subject to paragraph (5), any fine to which a person is liable under paragraph (4) in respect of a relevant offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this article or under any other enactment.

Recovery of fines

5.—(1) Where a fine is imposed by a magistrate's court in England or Northern Ireland on the master, owner or charterer, or a member of the crew, of a fishing boat who is convicted by the court of a relevant offence or an offence under article 11 of this Order, the court may—

- (a) issue a warrant of distress against the boat involved in the commission of the offence and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and
- (b) order such boat and its gear and catch to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such warrant, whichever occurs first.

(2) Sections 77(1) and 78 of the Magistrates' Courts Act 1980⁽¹⁶⁾ (postponement of issue of, and defects in, warrants of distress) shall apply to a warrant of distress issued under this article in England as they apply to a warrant of distress issued under Part III of that Act.

(3) Article 114(2) and 154 of the Magistrates' Courts (Northern Ireland) Order 1981⁽¹⁷⁾ (postponement of issue of certain warrants and objections as to want of form or variance between complaint etc. and evidence adduced) shall apply to a warrant of distress issued under this article in Northern Ireland as it applies to a warrant referred to in those articles of that Order.

(4) Where in relation to a fine in respect of a relevant offence a transfer of fine order under section 90 of the Magistrates' Courts Act 1980, Article 95 of the Magistrates' Courts (Northern Ireland) Order 1981 or section 222 of the Criminal Procedure (Scotland) Act 1995⁽¹⁸⁾ specifies a petty sessions area in England or a petty sessions district in Northern Ireland this article shall apply as if the fine were imposed by a court within that petty sessions area or petty sessions district.

Powers of British sea-fishery officers in relation to fishing boats

6.—(1) For the purpose of enforcing article 3(1) of this Order, or any equivalent provision in any other order extending to any part of the United Kingdom made for the purposes of implementing a specified Community measure, any British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) of this article in relation to—

- (a) any relevant British fishing boat wherever it may be; or
- (b) any other fishing boat which is within relevant British fishery limits.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and may require the boat to stop and do anything else which will facilitate either the boarding of, or the disembarkation from, the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) of this article and, in particular—

- (a) may search for fish or fishing gear on the boat and may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination;
- (b) may require any person on board the boat to produce any document relating to the boat, to any fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession;
- (c) for the purpose of ascertaining whether a relevant offence has been committed, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search;
- (d) may inspect and take copies of any such document produced to him or found on board;

⁽¹⁶⁾ 1980 c. 43; the maximum fines in section 78 were converted to levels on the standard scale by sections 37 and 46 of the Criminal Justice Act 1982 (c. 48).

⁽¹⁷⁾ S.I. 1981/1675 (NI 26).

⁽¹⁸⁾ 1995 c. 46.

- (e) without prejudice to sub-paragraphs (c) and (d), may require the master and any person for the time being in charge of the boat to render all such documents on a computer system into a visible and legible form, including requiring any such document to be produced in a form in which it may be taken away; and
- (f) where the boat is one in relation to which he has reason to suspect that a relevant offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in sub-paragraph (f) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a relevant offence has at any time been committed, he may—

- (a) require the master of the boat in relation to which the offence took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and
- (b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

Powers of British sea-fishery officers on land

7.—(1) For the purpose of enforcing the provisions of article 3 of this Order, or any equivalent provision in any other order extending to any part of the United Kingdom made for the purposes of implementing a specified Community measure, any British sea-fishery officer may—

- (a) enter and inspect at any reasonable time any premises used for carrying on any business in connection with the operation of fishing boats or activities connected therewith or ancillary thereto or with the treatment, storage or sale of fish;
- (b) take with him such other persons as appear to him to be necessary and any equipment or materials;
- (c) examine any fish on the premises and require persons on the premises to do anything which appears to him to be necessary for facilitating the examination;
- (d) carry out at such premises such other inspections or tests as may reasonably be necessary;
- (e) require any person not to remove or cause to be removed any fish from such premises for such a period as may be reasonably necessary for the purposes of establishing whether a relevant offence has at any time been committed;
- (f) require any person on the premises to produce any documents which are in his custody or possession relating to the catching, landing, transportation, trans-shipment, sale or disposal of any fish;
- (g) for the purpose of ascertaining whether any person on the premises has committed a relevant offence, search the premises for any such document and may require any person on the premises to do anything which appears to him to be necessary for facilitating the search;
- (h) inspect and take copies of any such document produced to him or found on the premises;
- (i) require any appropriate or responsible person to render any such document on a computer system into a visible and legible form, including requiring it to be produced in a form in which it may be taken away; and

- (j) if he has a reason to suspect that a relevant offence has been committed, seize and detain any such document produced to him or found on the premises for the purpose of enabling the document to be used as evidence in proceedings for the offence.

(2) The provisions of paragraph (1) above shall apply *mutatis mutandis* in relation to any land used in connection with any of the activities described in paragraph (1) above, or in respect of any vehicle which a British sea-fishery officer has reasonable cause to believe is being used to transport fisheries products, as they apply in relation to premises and, in the case of a vehicle, shall include power to require the vehicle to stop at any time and, if necessary, direct the vehicle to some other place to facilitate the inspection.

(3) If in England or Northern Ireland a justice of the peace on sworn information in writing is satisfied—

- (a) that there is reasonable ground to believe that any documents or other items which a British sea-fishery officer has power under this article to inspect are on any premises and that their inspection is likely to disclose evidence of the commission of a relevant offence; and
- (b) either—
 - (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant has been given to the occupier; or
 - (ii) that an application for admission or the giving of such notice would defeat the object of the entry, or that the premises are unoccupied, or that the occupier is temporarily absent and it might defeat the object of the entry to await his return;

the justice may by warrant signed by him, and valid for one month, authorise a British sea-fishery officer to enter the premises, if need be by reasonable force, and take with him such persons as appear to him to be necessary.

Powers of British sea-fishery officers to seize fish and fishing gear

8.—(1) This article applies—

- (a) in England and Northern Ireland,
- (b) to any relevant British fishing boat wherever it may be, and
- (c) to any other fishing boat which is within relevant British fishery limits.

(2) Where this article applies, any British sea-fishery officer may seize—

- (a) any fish (including any receptacle which contains the fish) in respect of which he has reasonable grounds to suspect that a relevant offence has been committed; and
- (b) any net or other fishing gear which he has reasonable grounds to suspect has been used in the course of the commission of such an offence.

Powers of other officers

9.—(1) For the purpose of enforcing article 3 of this Order, or any equivalent provision in any other order extending to any part of the United Kingdom made for the purposes of implementing a specified Community measure, in so far as it applies to undersized fish, any of the following officers, that is to say—

- (a) any officer authorised by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Northern Ireland,
- (b) any officer of a market authority in England or Northern Ireland, acting within the limits of any market which that authority has power to regulate, and
- (c) any fishery officer of a local fisheries committee acting within any part of the district of the committee which lies in England,

may in England and Northern Ireland, at all reasonable times, go on board any British fishing boat or enter any premises (other than a dwelling) used for carrying on any business in connection with the treatment, storage or sale of fish, may search for and examine any fish in any place, whether on board a fishing boat or elsewhere, and whether in a receptacle or not, and may seize any fish in respect of which he has reasonable grounds to suspect that a relevant offence in relation to undersized fish has been committed.

(2) For the purpose of enforcing article 3 of this Order, or any equivalent provision in any other order extending to any part of the United Kingdom made for the purposes of implementing a specified Community measure, in so far as it relates to nets and other fishing gear, any fishery officer of a local fisheries committee may, within any part of the district of the committee which lies in England, go on board any British fishing boat and search for and examine all nets or other fishing gear and any fish carried in that boat and may seize any net or other fishing gear in respect of which he has reasonable grounds to suspect that a relevant offence in relation to nets or other fishing gear has been committed.

(3) For the purpose of this article the district of a local fisheries committee shall be deemed to extend throughout the area of any council in England liable to pay, or contribute to the payment of, the expenses of the committee, except that the powers conferred by this article on any fishery officer of a local fisheries committee shall not be exercisable in respect of any matter arising within the limits of any market under the control of any county council or district council.

Protection of officers

10. An officer or a person assisting him by virtue of articles 6(2), 7(1)(b) or 7(3) of this Order shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of the powers conferred on him by articles 6 to 9 of this Order if the court is satisfied that the act was done in good faith, that there were reasonable grounds for doing it and that it was done with reasonable skill and care.

Obstruction of officers

11. Any person who—

- (a) fails without reasonable excuse to comply with any requirement imposed by a British sea-fishery officer under the powers conferred on British sea-fishery officers by articles 6, 7 or 8 of this Order;
- (b) without reasonable excuse prevents, or attempts to prevent, any other person from complying with any such requirement; or
- (c) assaults an officer who is exercising any of the powers conferred on him by articles 6 to 9 of this Order or intentionally obstructs any such officer in the exercise of any of those powers,

shall be guilty of an offence and liable—

- (i) on summary conviction to a fine not exceeding the statutory maximum; or
- (ii) on conviction on indictment to a fine.

Provisions as to offences

12.—(1) Where any offence under article 3 of this Order committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and liable to be proceeded against and punished accordingly.

(2) Where any offence under article 3 of this Order committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and liable to be proceeded against and punished accordingly.

(3) Where any offence under article 3 of this Order committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any officer of the association or any member of its governing body, he as well as the association shall be guilty of the offence and liable to be proceeded against and punished accordingly.

Proceedings

13.—(1) A local fisheries committee in England may take proceedings in respect of any offence occurring within any part of the district of the committee which lies in England under—

- (a) article 3(1) of this Order, where the offence is founded on a contravention of, or failure to comply with—
 - (i) articles 4, 6, 7, 8, 9, 11, 14 to 16, 18, 19, 26 and 30 to 34 of the Council Regulation, or
 - (ii) paragraphs 4, 6 and 9 of Annex V of Regulation 2742/99; or
- (b) article 3(2)(a) of this Order.

(2) For the purpose of this article the district of a local fisheries committee shall be deemed to extend throughout the area of any council in England liable to pay, or contribute to the payment of, the expenses of the committee, except that the powers conferred by this article on the committee shall not be exercisable in respect of any matter arising within the limits of any market under the control of any county council or district council.

Admissibility in evidence of logbooks and other documents

14.—(1) Any—

- (a) logbook kept under Articles 6, 17.2 or 28c;
- (b) declaration submitted under Articles 8.1, 11, 12, 17.2 or 28f;
- (c) effort report completed under Articles 19b and 19c;
- (d) document drawn up under Articles 9 or 13;
- (e) document containing required information received by a fisheries monitoring centre established under Article 3.7,

of Regulation 2847/93 shall, in any proceedings in England or Northern Ireland for a relevant offence, be evidence of the matters stated therein.

(2) For the purpose of paragraph (1), “required information” shall mean—

- (a) a fishing boat’s identification;
- (b) the most recent geographical position of the fishing boat expressed in degrees and minutes of longitude and latitude; and
- (c) the date and time of the fixing of that position,

as communicated via a satellite-based vessel monitoring system established under Article 3(1) of Regulation 2847/93.

Revocation

15.—(1) The Sea Fishing (Enforcement of Community Conservation Measures) Order 1997⁽¹⁹⁾ and the Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) Order 1997⁽²⁰⁾ are hereby revoked, except in so far as:

- (a) they form part of the law of Scotland; or
- (b) they have effect in relation to Wales.

(2) In paragraph (1), “Wales” has the same meaning as in section 155(1) of the Government of Wales Act 1998⁽²¹⁾.

11th April 2000

Elliot Morley
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

10th April 2000

John Reid
Secretary of State for Scotland

14th April 2000

Paul Murphy
Secretary of State for Wales

14th April 2000

Peter Mandelson
Secretary of State for Northern Ireland

⁽¹⁹⁾ S.I. 1997/1949.
⁽²⁰⁾ S.I. 1997/2841.
⁽²¹⁾ 1998 c. 38.

SCHEDULE

Articles 2(1) and 4(1)

MAXIMUM FINES ON SUMMARY CONVICTION
[APART FROM FINES RELATED TO VALUE OF FISH]

Column 1 <i>Community Provision</i>	Column 2 <i>Subject matter</i>	Column 3 <i>Maximum fine on summary conviction</i>
Part I		
Regulation 894/97		
Article 11	Provisions relating to drift nets.	The statutory maximum
Part II		
The Council Regulation		
1. Article 4, as read with Articles 5 and 10	Provisions relating to mesh sizes, target species, and required catch percentages when using towed gears.	The statutory maximum
2. Article 5(3)	Prohibition on transhipment without completing a logbook in accordance with the provisions of Article 6 of Regulation 2847/93.	£50,000
3. Article 6	Limitation on the maximum number of meshes in certain towed gear.	The statutory maximum
4. Article 7	Provisions relating to the inclusion and placement of square mesh panels in specified towed gear.	The statutory maximum
5. Article 8(1) and (2), as read with Article 8(3)	Limitation on the twine thickness of towed gears.	The statutory maximum
6. Article 9(1), as read with Article 9(2)	Prohibition on the carriage or use of towed gears constructed wholly or in part of netting other than types specified.	The statutory maximum
7. Article 11, as read with Articles 12 and 13	Limitations on the use or keeping on board of specified fixed gears.	The statutory maximum
8. Article 14	Requirement to sort catches immediately after removal from nets.	The statutory maximum
9. Article 15	Prohibition on the landing or retention of fish in excess of specified percentages.	The statutory maximum

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

Column 1 <i>Community Provision</i>	Column 2 <i>Subject matter</i>	Column 3 <i>Maximum fine on summary conviction</i>
10. Article 16	Prohibition on devices that obstruct nets.	The statutory maximum
11. Article 18(3)	Prohibition on the retention and landing of lobsters, crawfish, and bivalve and gastropod molluscs unless they are whole.	The statutory maximum
12. Article 18(4)	Prohibition on the retention and landing of edible crabs unless they are whole, subject to a maximum percentage for the retention and landing of detached claws.	The statutory maximum
13. Article 19(1), as read with Articles 17, 18(1)-(2), 19(2)-(3) and 35	Prohibition on the retention, transshipment, landing, transport, storage, sale, offer for sale and display of undersized fish.	The statutory maximum
14. Article 20(1), as read with Article 20(2) and (3)	Prohibition on fishing for herring in specified waters during specified times.	£50,000
15. Article 21(1), as read with Article 21(2)	Prohibition on fishing for sprat in specified waters during specified times.	£50,000
16. Article 22(1), as read with Article 22(2) and (3)	Prohibition on fishing for mackerel in specified waters during specified times.	£50,000
17. Article 23(1)	Prohibition on fishing for anchovy with, and the retention on board of anchovy caught using, pelagic trawls in ICES Division VIIIc.	£50,000
18. Article 23(2)	Prohibition on the simultaneous carrying on board of pelagic trawls and purse seines in ICES Division VIIIc.	The statutory maximum
19. Article 24	Prohibition on fishing for skipjack and bigeye tuna using specified gear, and the retention on board of such species caught using such gear, in specified areas under the jurisdiction of Spain and Portugal.	£50,000

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Column 1 <i>Community Provision</i>	Column 2 <i>Subject matter</i>	Column 3 <i>Maximum fine on summary conviction</i>
20. Article 25(1), as read with Article 25(2) and (3)	Prohibition on retaining on board shrimps caught with specified gear.	£50,000
21. Article 26(1), as read with Article 26(2)	Prohibition on the retention, transshipment, landing, transport, storage, sale, offer for sale and display of salmon and sea trout caught using towed gears or within specified waters.	The statutory maximum
22. Article 27(1), as read with Article 27(2)	Prohibition on the retention on board of Norway pout caught using towed gears in specified waters.	£50,000
23. Article 28(1)	Prohibition on fishing for hake in specified waters during specified times.	£50,000
24. Article 28(2)	Prohibition on the carriage of specified gear in specified waters unless lashed and stowed in accordance with the provisions laid down in Article 20(1) of Regulation 2847/93.	The statutory maximum
25. Article 29	Restrictions on the fishing for plaice by certain vessels using specified gear in specified waters.	£50,000
26. Article 30(1)	Provisions relating to the use of demersal towed gears.	The statutory maximum
27. Article 30(2) and (3)	Prohibition on the use of certain towed gear in specified waters off the north-east coast of the United Kingdom and in ICES Division Vb and ICES sub-area VI. Prohibition on the carriage of certain towed gears in specified waters unless lashed and stowed in accordance with the provisions laid down in Article 20(1) of Regulation 2847/93.	The statutory maximum
28. Article 31(1) and (2), as read with Article 41	Prohibition on the use of explosives, stupefying substances or electric current for fishing. Prohibition on	The statutory maximum

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Column 1 <i>Community Provision</i>	Column 2 <i>Subject matter</i>	Column 3 <i>Maximum fine on summary conviction</i>
	the sale, display or offer for sale of any marine organisms caught using methods incorporating the use of any kind of projectile.	
29. Article 32(1), as read with Article 32(2) and (3)	Provisions relating to the use of automatic grading equipment.	The statutory maximum
30. Article 33(1), as read with Article 33(2) and 33(3)	Prohibition on the encirclement of marine mammals with purse seines.	The statutory maximum
31. Article 34	Restrictions on the use of beam trawls within 12 miles of the coasts of the United Kingdom and Ireland.	The statutory maximum
32. Article 35	Limitations on retention on board, transshipment, storage, transport, display or offer for sale of undersized organisms caught in the Skagerrak and Kattegat.	£50,000
33. Article 36	Prohibition on the landing, retention on board, transshipment, storage, transport, sale, display or offer for sale of salmon and sea trout caught within any part of the Skagerrak and Kattegat situated outside the four-mile limit measured from the baselines of Member States.	£50,000
34. Article 37(1), as read with Article 37(2)	Limitations on the use of certain trawls within 3 miles of the baselines in the Skagerrak and Kattegat between 1 July and 15 September.	£50,000
35. Article 38	Prohibition on the retention on board of herring, mackerel and sprat caught using purse seines or trawls between specified times in the Skagerrak or Kattegat.	£50,000
36. Article 39	Prohibition on the use of beam trawls in the Kattegat.	£50,000

Column 1 <i>Community Provision</i>	Column 2 <i>Subject matter</i>	Column 3 <i>Maximum fine on summary conviction</i>
37. Article 40	Prohibition, during the periods and in the areas referred to in Articles 37, 38 and 39 where trawls or beam trawls may not be used, on carrying on board such nets unless they are lashed and stowed in accordance with the provisions laid down in Article 20(1) of Regulation 2847/93.	The statutory maximum
38. Article 42(1), as read with Article 42(2)	Prohibitions on the physical or chemical processing, or transshipment for processing, of fish (except offal) on board a fishing vessel to produce fish-meal, fish-oil, or similar products.	The statutory maximum
Part III		
Regulation 2742/99		
Article 9, as read with:	Prohibition on all fishing in the Bornholm Deep from 15 May to 31 August 2000 inclusive.	£50,000
(a) paragraph 3 of Annex V		
(b) (b) paragraph 4 of Annex V	Prohibition during the year 2000 on the retention on board or landing of sand eels caught within an area bounded by the east coast of England and Scotland.	£50,000
(c) (c) paragraph 6 of Annex V	Minimum mesh size of 90mm applied to fishing for sole in ICES Divisions IVc and VIIId during the year 2000.	The statutory maximum
(d) (d) paragraph 8 of Annex V	Requirements as to mesh sizes and by-catches in the Skagerrak and Kattegat during the year 2000.	The statutory maximum
(e) (e) paragraph 9 of Annex V	Minimum landing size of 27cm for plaice during the year 2000.	The statutory maximum

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the Sea Fishing (Enforcement of Community Conservation Measures) Order 1997 (S.I.1997/1949) and the Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) Order 1997 (S.I. 1997/2841), except in so far as they form part of the law of Scotland or they apply in relation to Wales (article 15).

The Order re-enacts provisions for the enforcement of Article 11 of Council Regulation (EC) No. 894/97 (OJ No. L132, 23.5.97, p.1) laying down certain technical measures for the conservation of fishery resources (“Regulation 894/97”) and makes provision for the enforcement of restrictions and obligations contained in Council Regulation (EC) No. 850/98 (OJ No. L125, 27.4.98, p.1), for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, as amended (“the Council Regulation”).

Article 3 of the Order creates offences in respect of breaches of: Article 11 of Regulation 894/97; the provisions of the Council Regulation referred to in column 1 (and briefly described in column 2) of the Schedule to the Order; the provisions of the Council Regulation referred to in subsection (2) of that article; and technical measures applying in 2000 by virtue of Article 9 of Council Regulation (EC) 2742/99 (OJ No. L341, 31.12.99, p.1). Penalties, which may include the forfeiture of fish, nets and other fishing gear, are specified for such offences (article 4).

The Order confers powers of enforcement on British sea-fishery officers in relation to fishing boats and on land and in relation to the seizure of fish and fishing gear (articles 6, 7 and 8) as well as other officers in relation to undersized fish and nets and fishing gear (article 9). Provision is made for the punishment of anyone found guilty of obstructing or assaulting an officer (article 11).

Provision is also made for the prosecution of offenders in England and Northern Ireland and for proceedings by local fisheries committees (article 13). The statutory maximum penalty referred to in the Order is currently £5,000.

The Order provides powers for the recovery of fines imposed by a magistrates' court in England or Northern Ireland (article 5).

Articles 10, 12 and 14 contain ancillary provisions.

The Order does not form part of the law of Scotland. It does not apply in relation to fishing activities within the territorial sea of Wales.