

1980 No. 1479

SEA FISHERIES

**The Irish Sea Herring (Prohibition of Fishing)
Regulations 1980**

<i>Made - - - -</i>	<i>6th October 1980</i>
<i>Laid before Parliament</i>	<i>7th October 1980</i>
<i>Coming into Operation</i>	<i>8th October 1980</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State(a) acting jointly in exercise of the powers conferred upon them by section 2(2) of the European Communities Act 1972(b) and of all their other enabling powers, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Irish Sea Herring (Prohibition of Fishing) Regulations 1980 and shall come into operation on 8th October 1980.

Prohibition of fishing

2. From the date on which these regulations come into operation until 16th November 1980, both dates inclusive, fishing for herring (*Clupea harengus*) within the area specified in the Schedule to these regulations is hereby prohibited.

Offences and penalties

3. If there is, in respect of any vessel to which these regulations apply, a contravention of, or failure to comply with any provision of regulation 2 above, the master of that vessel shall be guilty of an offence, and liable—

- (a) on summary conviction to a fine not exceeding £1,000 ;
- or
- (b) on conviction on indictment to a fine.

Enforcement

4.—(1) The provisions of section 8(2) to (4) of the Sea Fisheries Act 1968(c) (general powers of British sea-fishery officers) shall have effect in relation to these regulations as they have effect in relation to an order made under section 5 of that Act or section 2 of the Fishery Limits Act 1976(d), and for the purpose of the enforcement of these regulations, there are

(a) Being Ministers designated for the purposes of section 2(2) of the European Communities Act 1972 (c. 68) in relation to the common agricultural policy of the Economic Community by the European Communities (Designation) Order 1972 (S.I. 1972/1811).

(b) 1972 c. 68.

(c) 1968 c. 77; subsection (4) is amended by the Fishery Limits Act 1976 (c. 86), sections 2(8), 9(1) and Schedule 2, paragraph 17(1).

(d) 1976 c. 86.

hereby conferred on every British sea-fishery officer all the powers of a British sea-fishery officer under those subsections.

(2) A British sea-fishery officer shall not be liable in any civil or criminal proceedings for anything done in purported exercise of the powers conferred on him by paragraph (1) above if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(3) Any person who on any fishing boat to which these regulations apply—

(a) fails to comply with any requirement imposed, or to answer any question asked, by a British sea-fishery officer under the powers conferred on him by paragraph (1) above ;

(b) prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such question ; or

(c) assaults any such officer while exercising any of the powers conferred on him by that paragraph or obstructs any such officer in the exercise of any of those powers ;

shall be guilty of an offence, and shall, on summary conviction, be liable to a fine not exceeding £400.

Jurisdiction to try offences

5. Proceedings for an offence under the foregoing provisions of these regulations may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th October 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food

25th September 1980. *George Younger,*
Secretary of State

SCHEDULE

(Regulation 2)

AREA OF SEA TO WHICH THESE REGULATIONS APPLY

The area of sea within British fishery limits adjacent to Northern Ireland which is—

(a) not nearer to any point on the baseline from which the breadth of the territorial sea adjacent to Great Britain or the Isle of Man is measured than to any point on the corresponding Northern Irish baselines, and

(b) outside 12 miles from the Northern Irish baselines.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which are made under section 2(2) of the European Communities Act 1972, prohibit fishing for herring from 8th October to 16th November 1980 in the area of the Irish Sea defined in the Schedule to these Regulations and apply the powers of British sea-fishery officers contained in section 8(2) to (4) of the Sea Fisheries Act 1968 for the purpose of the enforcement of their provisions. The Regulations apply to all fishing boats including foreign vessels.

These Regulations implement together with the Irish Sea Herring (Prohibition of Fishing) Order 1980 (S.I. 1980/1480) part of Council Regulation (EEC) No. 754/80 O.J. No. L84, 28.3.80, p.36 (1980 Vol. 23) footnote 11 to the Annex to the said Regulation.

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