STATUTORY INSTRUMENTS

1984 No. 1956

SEA FISHERIES

COMMUNITY RESTRICTIONS

The Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) Order 1984

Made - - - -	13*th December* 1984
Laid before Parliament	18*th December* 1984
Coming into Operation	8*th January* 1985

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 (**a**) and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1. This order may be cited as the Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) Order 1984 and shall come into operation on 8th January 1985.

Amendment of the Sea Fishing (Enforcement of Community Conservation Measures) Order 1983

2. The Sea Fishing (Enforcement of Community Conservation Measures) Order 1983 (**b**) is hereby further amended in accordance with articles 3 to 5 of this order.

Amendment of article 2

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

' "the Council Regulation" means Council Regulation (EEC) No. 171/83 laying down certain technical measures for the conservation of fishery resources (**c**), as amended by Council Regulations (EEC) Nos. 2931/83 (**d**), 1637/84 (**e**), 2178/84 (**f**) and 2664/84 (**g**), and as read with Council Regulation (EEC) No. 2665/84 (**h**);'.

(**a**) 1981 c.29.
(**b**) S.I. 1983/256, as amended by S.I. 1983/1818.
(**c**) O.J. No. L24, 27.1.83, p.14.
(**d**) O.J. No. L288, 21.10.83, p.1.
(**e**) O.J. No. L156, 13.6.84, p.1.
(**f**) O.J. No. L199, 28.7.84, p.1.
(**g**) O.J. No. L253, 21.9.84, p.1.
(**h**) O.J. No. L253, 21.9.84, p.4.

Amendment of articles 4, 5 and 7

4. In articles 4*(a)*, 5*(a)* and 7(6)*(a)* (maximum penalties on summary conviction of certain offences relating to undersized fish, to salmon and to obstruction of officers) for "£1,000" there shall be substituted "£2,000".

Amendment of Schedule

5.—(1) In column 3 of items 5, 8 and 14 of the Schedule (maximum penalties on summary conviction) for "£1,000" there shall be substituted "£2,000".

(2) For items 11 to 13 of the Schedule there shall be substituted the following items:—

In column 1 (Provision of the Council Regulation)	In column 2 (Subject Matter)	In column 3 (Maximum Penalty)
" 11. Article 15(1), first sub-paragraph	Prohibition on retaining on board mackerel caught in specified waters in the western English Channel, the Bristol Channel and the Celtic Sea	£2,000
12. Article 15(1), sixth sub-paragraph	Notification requirement relating to intention to fish in waters specified in article 15(1), first sub-paragraph	£2,000
13. Article 15(1), seventh sub-paragraph	Notification requirement relating to quantity of mackerel on board and requirement to submit log-book and catch	£2,000
13A. Article 15(1), eighth sub-paragraph	Notification requirement relating to trans-shipment of mackerel	£2,000".

In Witness whereof the Offical Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th December 1984.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

13th December 1984.

Nicholas Edwards,
Secretary of State for Wales.

13th December 1984.

Douglas Hurd,
Secretary of State for Northern Ireland.

13th December 1984.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order further amends the Sea Fishing (Enforcement of Community Conservation Measures) Order 1983 so as to—

(a) provide for the enforcement of Council Regulations (EEC) Nos. 1637/84, 2178/84, and 2664/84 amending Council Regulation (EEC) No. 171/83 (O.J. No. L 24, 27.1.83, p.14) (which lays down certain technical measures for the conservation of fishery resources) and Council Regulation (EEC) No. 2665/84 establishing, by derogation from Council Regulation (EEC) No. 171/83, a temporary measure concerning by-catches in the fishery for Norway pout in the North Sea (articles 3 and 5(2) of the order); and

(b) increase maximum penalties of £1,000 on summary conviction of offences that are triable either on indictment or summarily to £2,000 (articles 4 and 5(1) of the order).

The principal changes effected by the enforcement of the Council Regulations mentioned above are—

(a) a change in the rules for measuring crustaceans (Council Regulation (EEC) No. 2178/84);

(b) changes in the rules relating to fishing for mackerel off south-west England (Council Regulation (EEC) No. 2664/84); and

(c) a temporary relaxation of the rules relating to by-catches caught in the course of fishing for Norway pout in the North Sea (Council Regulation (EEC) No. 2665/84).

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