STATUTORY INSTRUMENTS

1981 No. 935

SEA FISHERIES

The Spanish Fishing (Enforcement) (No. 2) Regulations 1981

Made - - - -	30*th June* 1981
Laid before Parliament	9*th July* 1981
Coming into Operation	30*th July* 1981

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

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Spanish Fishing (Enforcement) (No. 2) Regulations 1981 and shall come into operation on 30th July 1981.

(2) In these regulations, "community provision" means any provision of Council Regulation (EEC) No 1569/81 of 1st June 1981 laying down for 1981 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain**(b)** referred to in the Schedule to these regulations.

Offences and penalties

2. If there is, in respect of any vessel flying the flag of Spain which is within British fishery limits, a contravention of, or failure to comply with, a community provision, 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

3.—(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 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.

(a) 1972 c. 68; the Minister of Agriculture, Fisheries and Food and the Secretary of State are Ministers designated in relation to the common agricultural policy of the European Economic Community by virtue of the European Communities (Designation) Order 1972 (S.I. 1972/1811). **(b)** OJ No L154, 13.6.81, p. 1.

(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.

(3) Any person who on any fishing boat flying the flag of Spain which is within British fishery limits—

(*a*) fails without reasonable excuse 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 wilfully 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

4. 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.

Duration of regulations

5. The provisions of these regulations shall cease to have effect on 1st January 1982.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th June 1981.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

30th June 1981.

George Younger,
Secretary of State.

SCHEDULE (Regulation 1(2))

COMMUNITY PROVISIONS

1. Article 2(1).
2. Article 2(4).
3. Article 8(1).
4. Article 8(2).
5. Article 9(1).

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, make breaches of certain provisions of Council Regulation (EEC) No 1569/81 of 1st June 1981 laying down for 1981 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain (OJ No L154, 13.6.81, p. 1) offences for the purposes of United Kingdom law where they occur within British fishery limits. They will cease to have effect on 1st January 1982.

The Council Regulation in question authorises fishing in certain specified areas within member-States' fishery limits for specified descriptions of fish by vessels flying the flag of Spain. The offences arise out of breaches of the provisions of the Council Regulation concerning the keeping of log books, observance of by-catch restrictions, and similar matters, and are all triable summarily or on indictment. On summary conviction the master of an offending vessel will be liable to a fine not exceeding £1,000 and, on conviction on indictment, to a fine.

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