STATUTORY INSTRUMENTS

1979 No. 1205

SEA FISHERIES

The Third Country Fishing (Enforcement) Regulations 1979

Made - - - -	*27th September* 1979
Laid before Parliament	*5th October* 1979
Coming into Operation	*6th October* 1979

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 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 Third Country Fishing (Enforcement) Regulations 1979, and shall come into operation on 6th October 1979.

(2) In these regulations, "relevant community provision" means any provision of a regulation of the European Communities referred to in column 1 of the Schedule to these regulations which is set out in column 3 of that Schedule opposite the reference to that regulation.

Offences and penalties

2. If there is, in respect of any vessel to which a relevant community provision applies, a contravention of, or failure to comply with, that provision within British fishery limits, 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(b) (general powers of British sea-fishery officers) shall have effect in relation to this order 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(c), and for the purpose of the enforcement of this order, there are hereby conferred on every British sea-fishery officer all the powers of a British sea-fishery officer under those subsections.

(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) 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).

(c) 1976 (c. 86).

(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 flying the flag of Norway, Sweden or Spain, or any fishing boat registered in the Faroe Islands, which is within British fishery limits—

(*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 paragraph (1) above 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

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.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th September 1979.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State.

27th September, 1979.

SCHEDULE

RELEVANT COMMUNITY PROVISIONS

(Regulation 1(2))

Regulation of the European Communities	*Official journal reference no.*	*Provision*
Council Regulation (EEC) No. 587/79 of 26 March 1979 laying down for 1979 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Norway	O.J. no. L81, 31.3.79, p9 (1979 vol. 22)	Articles 2(2), (3) and (4) and 6
Council Regulation (EEC) No. 588/79 of 26 March 1979 laying down for 1979 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Sweden	O.J. no. L81, 31.3.79, p18 (1979 vol. 22)	Articles 2(2), (3) and (4) and 6
Council Regulation (EEC) No. 1177/79 of 12 June 1979 laying down for 1979 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain	O.J. no. L151, 19.6.79, pl (1979 vol. 22)	Articles 3(5), 4(1), 5(1) and (2) and 6(1) and (2)
Council Regulation (EEC) No. 1178/79 of 12 June 1979 laying down for 1979 certain interim measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands	O.J. no. L151, 19.6.79, p9 (1979 vol. 22)	Articles 2(2), (3) and (4) and 6

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 Community regulations relating to third country fishing offences for the purposes of United Kingdom law where they occur within British fishery limits. The Community regulations in question authorise fishing in certain specified areas within member states' waters for specified descriptions of fish by vessels flying the flags of Norway, Sweden and Spain, and by vessels registered in the Faroe Islands.

The offences arise out of breaches of the provisions of the Community regulations concerning the keeping of log books, radio reports and similar matters, and are all triable either 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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