STATUTORY INSTRUMENTS

1980 No. 754

SEA FISHERIES

The Third Country Fishing (Enforcement) Regulations 1980

Made - - - -	30*th May* 1980
Laid before Parliament	10*th June* 1980
Coming into Operation	11*th June* 1980

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, commencement and interpretation

1.—(1) These regulations may be cited as the Third Country Fishing (Enforcement) Regulations 1980 and shall come into operation on 11th June 1980.

(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.

Revocation

2. The Third Country Fishing (Enforcement) Regulations 1979**(c)** are hereby revoked.

Offences and penalties

3. 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

4.—(1) The provisions of section 8(2) to (4) of the Sea Fisheries Act 1968**(d)** (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**(e)**, and for the purpose

(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)** S.I. 1979/1205.

(d) 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).

(e) 1976 (c. 86).

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.

(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

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.

Duration of regulations

6. The provisions of these regulations shall cease to have effect on 30th June 1980.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th May 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

30th May 1980.

George Younger,
Secretary of State.

SCHEDULE (Regulation 1(2))

RELEVANT COMMUNITY PROVISIONS

Column 1	Column 2	Column 3
Regulation of the European Communities	Official Journal reference No.	Provision
Council Regulation (EEC) No. 541/80 of 3rd March 1980 laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain	O.J. No. L60, 5.3.80, p. 1 (1980, vol. 23)	Articles 2(1), 3(5), 4(1), 5(1) and (2) and 6(1) and (2)
Council Regulation (EEC) No. 806/80 of 26th March 1980 laying down certain interim measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands	O.J. No. L88, 1.4.80, p. 1 (1980, vol. 23)	Articles 2(2) to (4), 3(1) and 5
Council Regulation (EEC) No. 807/80 of 27th March 1980 laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of Norway	O.J. No. L88, 1.4.80, p. 10 (1980, vol. 23)	Articles 2(2) to (4) and 5
Council Regulation (EEC) No. 1135/80 of 6th May 1980 laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of Sweden	O.J. No. L116, 7.5.80, p. 41 (1980, vol. 23)	Articles 2(2) to (4), 3(1) 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. They revoke and replace the Third Country Fishing (Enforcement) Regulations 1979 which made similar provision during that year, and will cease to have effect on 30th June 1980.

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 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.