STATUTORY INSTRUMENTS

1971 No. 1103

SEA FISHERIES

The Foreign Sea-Fishery Officers (International Commission for the Northwest Atlantic Fisheries Scheme) Order 1971

Made - - - -	*7th July* 1971
Laid before Parliament	15*th July* 1971
Coming into Operation	1*st August* 1971

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State respectively concerned with the sea-fishing industry in Scotland and Northern Ireland) in exercise of the powers conferred on them by section 7(4) of the Sea Fisheries Act 1968(a) and of all other powers enabling them in that behalf, hereby make the following Order:—

Citation and Commencement

1. This Order may be cited as the Foreign Sea-Fishery Officers (International Commission for the Northwest Atlantic Fisheries Scheme) Order 1971 and shall come into operation on 1st August 1971.

Interpretation

2.—(1) in this Order:—

"the Act" means the Sea Fisheries Act 1968;

"the Commission" means the International Commission for the Northwest Atlantic Fisheries established under the Convention;

"the Convention" means the International Convention for the Northwest Atlantic Fisheries signed in Washington on 8th February 1949(b);

"the Convention area" means the area to which the Convention applies comprising the waters described in Part II of Schedule 1 to this Order;

"the Scheme" means the Scheme of Joint Enforcement of the Commission which is set out in Part I of Schedule 1 to this Order, being a Recommendation which has been adopted as a proposal by the Commission and which takes effect as an international arrangement by virtue of the agreement thereto of the member states of the Commission, subject to the Reservations mentioned in the said Part I of Schedule 1;

"subarea" means an area, being one of the five subareas into which the Convention Area is divided, the boundaries of which are as defined in the Annex to the Convention;

(a) 1968 c. 77. (b) Cmd. 8071

(2) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Foreign Sea-Fishery Officers

3. In relation to the Scheme there are hereby specified as foreign sea-fishery officers, entitled to exercise in relation to British fishing boats anywhere within the Convention area outside the fishery limits of the British Islands, the powers referred to in section 9 of the Act, officers of the countries referred to in Schedule 2 to this Order, who are duly appointed by the government of their respective countries as inspectors under the terms of the Scheme and who hold a document of identity in the form approved under the Scheme.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 5th July 1971.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

Gordon Campbell,
Secretary of State for Scotland.

6th July 1971.

Given under the Hand of the Secretary of State for the Home Department on 7th July 1971.

R. Maudling,
Secretary of State for the Home Department.

SCHEDULE 1

PART I

SCHEME OF JOINT ENFORCEMENT

Recommendation

That, pursuant to paragraph 5 of Article VIII of the Convention, the following arrangements be established, as from 1st July 1971, for international control outside national fishery limits for the purpose of ensuring the application of the Convention and the measures in force thereunder:—

(1) Control shall be carried out by inspectors of the fishery control services of Contracting Governments. The names of the inspectors appointed for that purpose by their respective governments shall be notified to the Commission.

(2) Ships carrying inspectors shall fly a special flag or pennant approved by the Commission to indicate that the inspector is carrying out international inspection duties. The names of the ships so used for the time being, which may be either special inspection vessels or fishing vessels, shall be notified to the Commission.

(a) 1889 c. 63

(3) Each inspector shall carry a document of identity supplied by the authorities of the flag state in a form approved by the Commission and given him on appointment stating that he has authority to act under the arrangements approved by the Commission.

(4) Subject to the arrangements agreed under paragraph (9), a vessel employed for the time being in fishing for sea fish or in the treatment of sea fish in the Convention area shall stop when given the appropriate signal in the International Code of Signals by a ship carrying an inspector unless actually fishing, shooting or hauling, in which case it shall stop immediately it has finished hauling. The master of the vessel shall permit the inspector, who may be accompanied by a witness, to board it. The master shall enable the inspector to make such examination of catch, nets or other gear and any relevant documents as the inspector deems necessary to verify the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned and the inspector may ask for any explanations that he deems necessary.

(5) On boarding the vessel an inspector shall produce the document described in (3) above. Inspections shall be made so that the vessel suffers the minimum interference and inconvenience. An inspector shall limit his enquiries to the ascertainment of the facts in relation to the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned. In making his examination an inspector may ask the master for any assistance he may require. He shall draw up a report of his inspection in a form approved by the Commission. He shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which he may think suitable and must sign such observations. Copies of the report shall be given to the master of the vessel and to the Inspector's Government who shall transmit copies to the appropriate authorities of the flag state of the vessel and to the Commission. Where any infringement of the recommendations is discovered the inspector should where possible also inform the competent authorities of the flag state, as notified to the Commission, and any inspection ship of the flag state known to be in the vicinity.

(6) Resistance to an inspector or failure to comply with his directions shall be treated by the flag state of the vessel as if the inspector were an inspector of that state.

(7) Inspectors shall carry out their duties under these arrangements in accordance with the rules set out in this recommendation but they shall remain under the operational control of their national authorities and shall be responsible to them.

(8) Contracting Governments shall consider and act on reports of foreign inspectors under these arrangements on the same basis as reports of national inspectors. The provisions of this paragraph shall not impose any obligation on a Contracting Government to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting Governments shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.

(9) (i) Contracting Governments shall inform the Commission by 1st March each year of their provisional plans for participation in these arrangements in the following year and the Commission may make suggestions to Contracting Governments for the co-ordination of national operations in this field including the number of inspectors and ships carrying inspectors.

(ii) The arrangements set out in this Recommendation and the plans for participation shall apply between Contracting Goverments unless otherwise agreed between them; and such agreement shall be notified to the Commission.

Provided, however, that implementation of the scheme shall be suspended between any two Contracting Governments if either of them has notified the Commission to that effect, pending completion of an agreement.

(10) (i) Nets shall be inspected in accordance with the regulations in force for the subarea in which the inspection takes place. The number of undersized meshes and the width of each mesh examined shall be entered in the inspector's report, together with the average width of the meshes examined.

(ii) Inspectors shall have authority to inspect all nets.

(11) The inspector shall affix an identification mark approved by the Commission, to any net which appears to have been used in contravention of the Commission's recommendations in force in relation to the flag state of the vessel concerned and shall record this fact in his report.

(12) The inspector may photograph the net in such a way that the identification mark and the measurement of the net is visible, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag state.

(13) The inspector shall have authority, subject to any limitations imposed by the Commission, to carry out such examination and measurement of the catch as he deems necessary to establish whether the Commission's recommendations are being complied with. He shall report his findings to the authorities of the flag state of the inspected vessel as soon as possible.

Reservations

(*a*) as between the Union of Soviet Socialist Republics and other Contracting Governments the provisions of the Scheme relating to inspection of gear below deck and of catch do not apply;

(*b*) as between Poland and other Contracting Governments the provisions of the Scheme relating to inspection of gear or catch below deck do not apply; and

(*c*) as between Romania and other Contracting Governments the provisions of the Scheme relating to inspection of gear below deck and of catch do not apply.

Part II

Convention Area

All waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71° 40′ west longitude; thence due south to 39° north latitude; thence due east to 42° west longitude; thence due north to 59° north latitude; thence due west to 44° west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78° 10′ north latitude; thence southwards to a point in 75° north latitude and 73° 30′ west longitude; thence along a rhumb line to a point in 69° north latitude and 59° west longitude; thence due south to 61° north latitude; thence due west to 64° 30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait, thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

SCHEDULE 2

Foreign Countries which are parties to the Scheme

1. Denmark
2. France
3. Iceland
4. Italy

5. Japan
6. Norway
7. Poland
8. Portugal
9. Romania
10. Spain
11. Union of Soviet Socialist Republics
12. United States of America

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order specifies the class of persons who are to be foreign sea-fishery officers for the purposes of the Scheme of Joint Enforcement of the Northwest Altantic Fisheries Commission.